



---

## Appeal Decision

Site visit made on 20 July 2020

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

---

**Appeal Ref: APP/H0738/W/20/3249394**

**Adjacent to Low Forest Barns, Forest Lane, Kirklevington TS15 9PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr and Mrs M & Y Hodgson against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 19/2655/PABRE, dated 9 December 2019, was refused by notice dated 31 January 2020.
  - The development proposed is for the change of use of an agricultural building to a dwelling house (C3) and associated building operations.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. For the sake of clarity and brevity I have used the description of development from the Council's decision notice.

### Main Issue

3. The main issue is whether the proposed development would comply with the conditions applicable to development permitted, having regard to Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

### Reasons

4. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore that it constitutes permitted development under Class Q subject to the prior approval of certain matters.
5. For permitted development under Class Q, paragraph Q.2 of the GPDO requires prior approval of six matters. These are (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; (e) whether the location of siting of the building makes it otherwise impractical or undesirable for the building to change use and (f) design or external appearance.
6. In terms of criteria (a), (c), (d) and (f), the Council have indicated that the proposal would not give rise to any adverse issues in relation to highway safety, contamination, flooding and the external appearance of the building,

and I have no reason to disagree with these findings. The Council have raised concern in relation to criterion (b) and (e).

7. The appeal building is located amongst a group of buildings which are currently used as a farming operation. These include a building directly north of the site used for the storage of hay, a larger barn further north, a cow byre and a workshop. There is also residential accommodation to the south of the site.
8. The windows into the proposed habitable rooms of the appeal building would overlook existing hard standing and farm buildings. Even with the removal of the hay barn, the remaining farm buildings would be in close proximity to the appeal site. Due to the location of the appeal building and the farming activities, including farm vehicle traffic and the use of the hard standing areas and the buildings, this could have adverse effects on the living conditions of future occupiers of the proposal with regards to noise, odour and disturbance.
9. The farming operation has been described as small scale, suffering from market realities and unlikely to be used for intensive agriculture in the future with some of the buildings being in a poor state and farm traffic being low. However, there is no substantial evidence to support this and from the information before me there are no restrictions on the existing buildings or farm operation and no controls to prevent the farming operations from intensifying.
10. I have had regard to the Planning Practice Guidance (PPG), including what is meant by undesirable for the change to residential use. Whilst the PPG lists a number of uses which may be considered undesirable for a residential building to be located adjacent to, this list is not definitive. The proposal is directly adjacent to buildings and hardstanding where farming operations can take place. There is nothing before me to indicate that there are any controls or restrictions on these operations, and therefore farming activities could intensify, possibly into one of the uses described in the PPG.
11. The Council's Senior Environmental Protection Officer has not raised any objections and the appellant has indicated that double glazing and noise insulation can be used in the proposed development. Nevertheless, from the evidence before me, I am not convinced that the living conditions of future occupiers of the proposed development would not be adversely affected in regard to noise, odour and disturbance, particularly as there is a possibility that farming operations can intensify. The location of the building and the orientation of the proposed windows to habitable rooms being in close proximity to existing farm buildings and hardstanding areas would be undesirable.
12. I find that the location of the appeal building would make it undesirable for the building to change use to residential and the living conditions of future occupiers would be harmfully affected with regards to noise, odour and disturbance. Therefore, on this basis, the proposed development would not comply with the conditions of Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
13. I have had regard to the appellants statement of case, including the dwelling<sup>1</sup> granted approval to the south, as well as the existing residential

---

<sup>1</sup> Local Planning Authority Reference: 15/2166/FUL

accommodation. However, I do not consider these to be directly comparable to the proposal, particularly with regards to location and siting. There have been no objections from local residents and I acknowledge that any new buildings including agricultural buildings would require planning permission. These matters do not alter my findings above.

*Other matters*

14. The Council had made reference to the original 2015 GPDO requirements in the evidence. The appellant also refutes claims that no attempt was made to address criteria (e) of paragraph Q.2 of the GPDO. I have given careful consideration to these matters when reaching my decision, but they do not lead me to a different overall conclusion on the main issue.

**Conclusion**

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Chris Baxter*

INSPECTOR