

Report to Planning Committee

Application Number: 2019/0585PN – Appeal Ref: APP/N3020/W/20/3244145 – Appeal A linked to 2019/0583PN – Appeal Ref: APP/N3020/W/20/3244146 – Appeal B.

Location: Appeal A - Barn A, Ling Farm, Ricket Lane, Blidworth, Mansfield, Nottinghamshire, NG21 0NG

Proposal: Notification under Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for conversion of existing agricultural barn A to 4no. residential houses and demolition of 2 barns.

Case Officer: Cristina Dinescu

Planning approval was refused by the Borough Council on the 22nd August 2019 on the following grounds:

1. 'The location of the barn in relation to the adopted highway would result in a significant carry distance for refuse bins. The collection point would be approximately 500 metres from the dwelling at the entrance to the site as a refuse vehicle cannot enter the site. This would result in an unacceptable form of development to the detriment of the residential amenity of the future occupiers of the residential property. As such it is considered that the location and siting of the building so far from the adopted highway makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses). Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'
2. 'No specific information has been provided in relation to the construction of the mezzanine floor to Barn A to demonstrate that significant structural works are not required to facilitate this.
By virtue of the substantial and significant nature of the works required as part of the development to create dwelling(s) based on the supporting information and the assessment against the requirements of Class Q it is considered that the works proposed go beyond what is reasonably necessary, and are significant and substantial alterations more akin to a new build. Therefore it is concluded that the building is not suitable for conversion.'

Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

3. 'The location of the existing dwelling in relation to Barn A would result in significant overbearing to the detriment of the reasonable residential amenity of the future occupiers of dwellinghouse 4.

As such it is considered that the location and siting of Barn A makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

Taking the above into account the proposal does not accord with the limitations of Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and is therefore not permitted development.'

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been Dismissed.

In relation to the first reason for refusal – specific issues of refuse collection at the site, the Inspector concluded that the location or siting of the building would not make it otherwise impractical or undesirable for the building to change from agricultural use to dwellings as some arrangement would be made to store the bins for the dwellings close to the highway, avoiding the need for the unlikely scenario of occupants moving refuse bins up and down from the properties for collection.

In relation to the second reason for refusal – substantial and significant level of works, the Inspector concluded that the mezzanine floor and the level of works would constitute building operations reasonably necessary allowed by paragraph Q.1(i)(i).

In relation to the third reason for refusal – unacceptable relationship with the farm building, the farm building was demolished under planning permission ref.no. 2016/1034 and the building works for the replacement dwelling and detached garage were commenced. The replacement dwelling is to be constructed further away from the common boundary with Barn A.

The Inspector concluded that the demolition of Barns B and C would be extensive and would fall outside of the limitations of paragraph Q.1(i)(ii) which allows only partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q.1(i)(i). The proposal therefore fails to comply with the conditions or restrictions applicable to development permitted and appeal A therefore fails.

Recommendation: To note the information