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# Appeal Decision

Site visit made on 29 May 2018

**by C Cresswell BSc (Hons) MA MBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 July 2018**

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**Appeal Ref: APP/R3325/W/17/3185851**

**Sheds on land on east side of Longstrings Lane, Broadshard, Crewkerne, Somerset TA18 7NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Brett Jacobs against the decision of South Somerset District Council.
  - The application Ref 17/00762/PAMB, dated 9 February 2017, was refused by notice dated 4 April 2017.
  - The development proposed is change the use of existing buildings on the site to two C3 residential dwellinghouses.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The postcode quoted on the Application Form is TA18 7J which appears to be incomplete. I have amended this to TA18 7NJ in the heading above as it is consistent with the postcode used in recent appeal decisions for the site.
3. For conciseness, I have also abbreviated the description of development in the heading above.

## Main Issue

4. The main issue is whether the proposed change of use is permitted under Schedule 2, Part 3, Class Q of the GPDO<sup>1</sup>.

## Reasons

5. The site is open land which can be accessed by an unmade track leading from Longstrings Lane. Although the land is mainly undeveloped, it contains three small shed buildings which are the subject of this appeal. These are situated in relatively close proximity to one another against a row of mature trees which define the boundary of the site. I also saw a parked lorry and a metal storage container nearby. On a separate part of the site, away from the sheds, there is also a polytunnel. The appellant wishes to convert the shed buildings into two individual dwellings under Class Q of the GPDO. These would be accessed by the existing track.

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015

6. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). It also allows any building operations reasonably necessary to convert the building. However, the planning permissions granted by Schedule 2 of the GPDO do not apply if the building in question is unlawful.
7. Paragraph Q.1(a) of the GPDO indicates that for development to be permitted, the site must have been solely used for an agricultural use as part of an established agricultural unit on 20 March 2013, or the building must have been in such use when in last use, or the site must have been in such use for at least ten years if brought into use after the specified date.
8. The appellant argues that the buildings subject to the appeal are lawful and the proposal complies with paragraph Q.1 in terms of previous agricultural use. A good deal of evidence has been put forward with regard to these issues, which I return to later in my decision. However, I have firstly considered whether the proposal would comply with paragraph Q.2 of the GPDO.
9. Paragraph Q.2(1) requires the 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 or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within C3 dwellinghouses; and (f) the design or external appearance of the building.
10. The buildings are currently accessed by an unmade track which adjoins Longstrings Lane. As the track is not wide enough to allow two cars to pass, the development could potentially result in vehicles needing to reverse out onto Longstrings Lane or having to wait at the junction. However, Longstrings Lane is a relatively quiet road and is straight at this point, providing a reasonable level of visibility in both directions. As such, cars or pedestrians travelling along Longstrings Lane would be able to anticipate vehicles emerging from the site and react accordingly. Considering that the access would only serve two very modestly sized dwellings, the overall impact on traffic flows within Longstrings Lane and the junction with the A356 would be minor.
11. In reaching this decision, I have had regard to an earlier appeal<sup>2</sup> for outline residential development on the site where the Inspector raised highway safety concerns. However, this proposed four new build homes with greater potential for generating traffic movements than the current scheme. I also understand that some improvements have been made to Longstrings Lane since that time in order to help widen the road. Therefore, notwithstanding the disputed lawfulness of the access track, I consider that the transport and highways impacts of the development would be acceptable in terms of Q.2(1)(a).
12. The Council also argue that the location and siting of the buildings makes them impractical for use as dwellings under Q.2(1)(e). With this in mind, I note that the curtilage of the buildings as shown on the plans is modest in size. In order for the buildings to adequately function as dwellings, this area would need to accommodate parking as well as private amenity space. While it is suggested that the dwellings could be car free, I do not consider that this would be practical due to the distance of the site from a range of shops of services.

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<sup>2</sup> Appeal Ref: APP/R3325/W/17/3176399

- Although it may be possible to walk, cycle or bus to some facilities, there is limited street lighting along Longstrings Lane and it is unlikely to prove an attractive option for all potential occupiers of the proposed dwellings. Those residing on the site are likely to need a vehicle to meet their daily needs.
13. Even if adequate parking could be provided within the curtilage, it is not clear whether enough private outdoor space could also be provided for occupiers of each of the two units to maintain acceptable living conditions. In practice, it seems to me that there is potential for parking and domestic paraphernalia to spread beyond the confines of the curtilage and into the associated field. This would increase the visual impact of the development in a part of the countryside close to a public footpath. Furthermore, the buildings are partly overhung by trees which run along the southern boundary of the site. These cast shade over parts of the curtilage as well as representing a hazard in terms of falling branches. Occupation of the buildings would increase pressure to prune these trees, potentially resulting in further visual impacts.
  14. Paragraph Q.2(1)(f) of the GPDO refers to the design and external appearance of buildings. In terms of design, the National Planning Practice Guidance is clear that buildings should be fit for purpose, designed and delivered in a way that delivers the intended function<sup>3</sup>. In this case, I am mindful that the buildings in question are very small sheds constructed of timber and corrugated metal. Even if I were to accept that the sheds were structurally capable of accommodating a bed, kitchen area and bathroom, it seems to me that living space would nonetheless be very limited. The proposal would lead to an extremely cramped form of accommodation with little space for general circulation or to keep many personal items. Although the appellant makes comparisons with the space available in log cabins and caravans, these are not necessarily designed for permanent occupation and do not serve as a model for accommodation standards in general housing.
  15. Overall, the location and siting of the buildings makes them undesirable to convert into dwellinghouses. Furthermore, the converted buildings would not be fit for purpose as dwellings. The design of the sheds, in particular their very modest proportions, would result in a form of accommodation that would not provide acceptable living conditions.
  16. This leads me to conclude that the proposal would not accord with paragraph Q.2 of the GPDO. As such, there is no need for me to reach a firm conclusion as to whether the existing buildings on the site are lawful or whether the provisions of paragraph Q.1 have been complied with. Even if I were to agree with the appellant on these matters, the proposal would not be acceptable under Class Q of the GPDO due to the conflict with paragraph Q.2.
  17. In reaching my decision, I have had regard to the various judgements, appeal decisions and Council planning permissions that have been put forward in support of the proposal. While some help to substantiate the appellant's points in respect of certain matters, I am also mindful that the circumstances of each case differ. Overall, I do not consider that a convincing precedent has been established in favour of the appeal proposal.

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<sup>3</sup> Paragraph: 016 Reference ID: 26-016-20140306.

18. I have also considered the recent appeal decisions relating directly to the site. This includes an earlier appeal<sup>4</sup> for permitted development on the site under Class Q and the appeal<sup>5</sup> seeking outline planning permission for residential development. Although site circumstances appear to have changed since these appeals were dismissed, that does not alter my reasoning in this case. Similarly, the enforcement appeal<sup>6</sup> addresses a separate issue and does not convince me that development should be permitted under Class Q.

### **Conclusion**

19. I conclude that the proposed change of use is not permitted under Schedule 2, Part 3, Class Q of the GPDO. For the above reasons, and having regard to all other matters raised, the appeal should therefore be dismissed.

*C Cresswell*

INSPECTOR

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<sup>4</sup> Appeal Ref: APP/R3325/W/16/3149710

<sup>5</sup> Appeal Ref: APP/R3325/W/17/3176399

<sup>6</sup> Appeal Ref: APP/R3325/C/16/3165802