
Appeal Decision

Site visit made on 24 August 2015

by L Gibbons BA (Hons) MRTPI

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

Decision date: 07 September 2015

Appeal Ref: APP/A2525/W/15/3033451

The Barn, West Drove North, Gedney Hill, Spalding, Lincs PE12 0PL

- 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) Order 2015.
 - The appeal is made by Mr S Kennally against the decision of South Holland District Council.
 - The application Ref H07-0079-15, dated 27 January 2015, was refused by notice dated 23 March 2015.
 - The development proposed is to renovate the existing brick built barn and outbuildings and change the use to a three-bed residential unit – resubmission of H07-0685-14.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the Council's decision, the Town and Country (General Permitted Development) Order 1995 (as amended) was superseded by the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), which came into effect in April 2015. Consequently, the former Class MB enabling conversion of agricultural buildings to dwellinghouses has become Class Q. However, in respect of the issues relating to this case, the content of the GPDO is not materially different, although my decision provides further qualification in the context of the changes to the Planning Practice Guidance (the Guidance).

Main Issue

3. The main issue is whether the proposed change of use constitutes permitted development pursuant to Class Q (a) of Part 3 of Schedule 2 to the GPDO, having regard to the following:
 - i) Whether the site was solely in agricultural use as part of an established agricultural unit within the applicable timeframes, and;
 - ii) Whether or not the building is capable of functioning as a dwelling.

Reasons

Whether the site was solely in agricultural use as part of an established agricultural unit

4. Paragraph Q.1 (a) applies to buildings that were solely in agricultural use on or before 20 March 2013. I accept that the fields surrounding the appeal building are being used for agricultural purposes. A letter has been provided from the relative of the former building owner who confirms that the site was related to agricultural activity, although this was a number of years ago.
5. On my visit I noted that there were a very small number of bales of hay within one small portion of the main building, however no items of agricultural equipment were visible. I have been provided with a copy of a tenancy agreement from January 2012, which relates to the use of land on West Drove North for the farming of crops and hay. I note that the current tenants who are general farmers refer to having the use of the appeal building to store crops and agricultural equipment when working within the area; however it is not clear that they actually did so and no evidence is provided to confirm this was the case.
6. I accept that there may have been instances of fly tipping at the time photographs were taken and in respect of gas canisters on the site I accept that this may be the case. However, the letter from the Fire Brigade refers to a fire but it does not confirm that it was related to fly tipping and no other details are referred to other than to note that other instances may have occurred. In addition, the Council also refer to skips and building material being stored on the site and I note that the appellant does not dispute this particular element. Therefore, in the light of the evidence before me, I am unable to conclude that the appeal building was solely used for agricultural purposes as part of an agricultural trade or business on 20 March 2013 and accordingly the limitation at paragraph Q.1 (a) would apply meaning that the proposal would not be permitted by Class Q.

Extent of building works

7. Paragraph Q.1(i) states that development is not permitted if it would require building operations other than those reasonably necessary to function as a dwellinghouse. Recent amendments to the Guidance provide further clarification in relation to buildings being structurally strong enough to take the loading which comes with external works. The appeal site has a main brick building with a corrugated roof and this would be structurally able to accommodate the proposed changes to it.
8. Notwithstanding the existing plans that show timber supports and a partial roof, to the west of the main building, there is now no roof and only two walls remaining which are leaning away from each other. The proposed plans indicate that a roof and a number of windows and walls are proposed on the west elevation and these would require significant new external supports to accommodate the load in this part of the development. Accordingly, I find the degree of new structural elements that would be required to take the loading which would come with the external works necessary to provide for residential use would fall outside the scope of the provisions of Q.1(i) and on this basis, the proposal would not be permitted by Class Q.

9. I have been referred to a decision by the Council to grant prior approval at The Barn, Coldhurn Lane, Gosberton where structural works were accepted to enable an agricultural building to function as a house. Two plans of that scheme have been provided relating to floorplans and elevations. However, I have very little information on how comparable this building is to the appeal site or what structural works were required and in any event the decision pre-dates the recent changes to the Guidance.

Conclusion

10. For the above reasons I conclude that the proposed development is not permitted development and that the appeal should be dismissed.

L Gibbons

INSPECTOR