
Appeal Decision

Site visit made on 12 September 2016

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 4 October 2016

Appeal Ref: APP/W1905/W/16/3150240

Brook Farm, Cuffley, Herts EN6 4EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Thomas against the decision of Broxbourne Borough Council.
 - The application Ref 07/16/0272/PNAGGR, dated 2 March 2016, was refused by notice dated 25 April 2016.
 - The development proposed is a change of use to a dwellinghouse (Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed conversion would be permitted development.

Reasons

3. The application was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q allows a change of use of any building and land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. The development permitted is subject to a number of exclusions and conditions.
4. Development is not permitted by Class Q if, amongst other things, the site was not used solely for an agricultural use as part of an established agricultural unit on March 20th 2013, or if it was not in use on that date, its last use before that date. Although alternative sources have been quoted by the appellant in relation to the definition of the term "agricultural use", I shall use it as it appears in Section 336 of the Town and Country Planning Act 1990.
5. The application form submitted to the Council states that the building was used as a "milking parlour" on 20th March 2013. The building is mainly divided into 3 internal rooms and the Council has submitted photographs and has reported a site visit undertaken in 2015. The photograph of the main room submitted by the Council shows tables, chairs, a picture on the wall, a white board and other items of furniture including shelves and possibly a couch and the Council's statement confirms this. The room had been altered by the time of my site visit and none of the items of furniture or pictures/ornaments were

present. These had been replaced with various items including buckets, storage bins and other containers. The other photograph submitted by the Council indicates that one room at the northern end was used as a workshop; this was broadly consistent with what I saw at my site visit.

6. The Council's statement asserts that the main area within the building was used as a meeting room for shooting that takes place on the wider site. The appellant refutes this and states that it is used for meetings with farm workers. The appellant does however confirm that the building, along with many others on the wider site, has been occasionally used by shoot 'beaters'.
7. There is no evidence before me which would confirm the use of the building on 20th March 2013. I simply have the varying statements of the Council and the appellant, along with the photographs from 2015 and the statement from the Council that the internal condition of the main part of the building appeared to be in a non-agricultural use and appeared to have been so for some time.
8. With reference to the evidence that I do have, I consider that it does not confirm that the building was in use solely for an agricultural use on 20th March 2013. As a result, the proposal does not satisfy the terms of Class Q and is not permitted development. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR