
Appeal Decision

Site visit made on 13 September 2016

by B Bowker Mplan MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/P0119/W/16/3152654

**Sevenside, Ash Lane, Almondsbury, Bristol, South Gloucestershire
BS32 4DB**

- 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 Colin Williams against the decision of South Gloucestershire Council.
 - The application Ref PT15/5457/PNGR, dated 18 December 2015, was refused by notice dated 9 February 2016.
 - The development proposed is prior notification of a change of use from agricultural to dwelling class C3.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above is taken from the appeal form which more accurately reflects the proposed development. As the date of the planning application form has been redacted, the application date is taken from the decision notice and from the appeal form.

Main Issue

3. The main issue is whether the proposal would be permitted development as provided for by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with particular regard to the use of the building on 20 March 2013.

Reasons

4. During my site visit I observed that the barn subject to the proposed change of use had a mobile home within it. Within the barn I saw grass cutting equipment, to its front hay bales and some small sheds, and to its side a horse shelter, a horse, and llamas within a small pen. In the surrounding fields I saw additional llamas grazing. In addition, the appellant has a County Parish holding number issued in November 2015. Therefore, I consider the site's current use to be a mixture of agriculture and residential.
 5. The Council state that the land was being occupied by two residential mobile homes and was within a period of requiring compliance with an enforcement notice on 20 March 2013. This enforcement notice followed a refused
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certificate of lawfulness for the two mobile homes, in which the use of the barn was described by the appellant in July 2012 as ancillary residential. The evidence before me indicates that one of the mobile homes was removed from the site in December 2013.

6. On this basis, it appears highly probable that the barn remained in use for residential ancillary purposes during this period, such that it would have been used for that purpose on 20 March 2013. A subsequent planning application and appeal to regularise the mobile home as an agricultural workers dwelling was refused as a functional need was not demonstrated for the dwelling. The appellant states that the remaining mobile home was moved to its current location inside the barn in April 2014.
7. It appears that the site has been used for both residential and agricultural purposes before and on 20 March 2013. This is confirmed by supporting letters submitted by the appellant. It is also apparent that the building has also been partly occupied by the appellant's mobile home since April 2014, and still appeared to be at the time of my site visit. The use of the building on 20 March 2013 is disputed by the parties, but I find the Council's evidence that the building was in ancillary residential use on this date the more compelling. In this regard, the proposal would fail to meet Class Q.1 (i) of the 2015 GPDO.
8. The above aside, from what I have seen and read, it appears most likely that the building's current use includes residential. In this respect, Class Q (a) is clear that it applies to a change of use of a building or any land within its curtilage from agricultural use to a dwelling house. Therefore, even if I were to conclude that the barn was in agricultural use on 20 March 2013, since April 2014 the building has been partly in residential use, and still is. Consequently, in such circumstances, the proposal would still fail the requirement to be considered under Class Q (a).
9. Therefore, I conclude that the proposal would not be permitted development as provided for by Class Q of the 2015 GPDO.

Other Matters

10. I have taken in account the appellant's concern about not being informed of the Class Q prior approval route at an earlier date. However, in the context of determining this appeal this is not a matter for my consideration.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR