
Appeal Decision

Site visit made on 13 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 18 October 2016

Appeal Ref: APP/C1570/W/16/3149593

Grange Farm, Sparrows Lane, Hatfield Heath, Bishops Stortford, CM22 7AU

- 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 (as amended).
 - The appeal is made by Mr H Dick against the decision of Uttlesford District Council.
 - The application Ref UTT/15/2966/PAP3Q, dated 18 September 2015, was refused by notice dated 3 December 2015.
 - The development proposed is prior notification of change of use of agricultural building to 3no. dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The address and description of the proposed development is taken from the appeal form rather than the application form for clarity and conciseness.
3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides for 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 (dwellinghouse) of the Use Classes Order 1987 (as amended). Schedule 2, Part 3, Paragraph W(3) states that a local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any specified conditions, limitations or restrictions. It was on this basis that the Council refused to grant prior approval.

Main Issue

4. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to the use of the building.

Reasons

5. Class Q requires the use of the building to be in agricultural use at the time that the change of use is being considered. In addition, there is a requirement in Paragraph Q1(a) that the building was used solely for agricultural use as part
-

- of an established agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
6. The appeal building is a simple three bay barn structure within Grange Farm. The appellant's evidence reveals that cattle were kept at Grange Farm from at least November 2011 until the summer of 2013 and indicates that the farm was an established agricultural unit during this time. The appellant states that the appeal building was used for the storage of feed and machinery associated with the keeping of cattle and has since been made redundant.
 7. The Council has submitted documents with their appeal statement indicating that in 1977, 1999 and 2005, Grange Farm was used for stables and equestrian purposes. My site visit revealed that Grange Farm is currently being used for such purposes again, with the keeping of horses beyond simply putting them out to graze. I agree with the Council that such a use is not an agricultural use, based on the definition of agriculture in Section 336 of the Town and Country Planning Act 1990, and therefore Grange Farm is not currently an established agricultural unit.
 8. At my site visit, the appeal building was mostly empty apart from the storage of a few miscellaneous items including quad bikes. The Council, in its appeal statement, provides photographs of the building containing signage, tyres and general storage at the point of their site visit on 18 November 2015. This indicates that the building has not been abandoned or made redundant, and is currently being used for purposes other than agriculture.
 9. While the appeal building appears to have had an agricultural use as part of an established agricultural unit on 20 March 2013, it is clear that the farm has since ceased to be an agricultural unit and the appeal building is not an abandoned or redundant agricultural building given its current use for general storage. Based on the evidence before me, the building is not currently being used solely for agricultural use. Therefore, I consider that the Class Q permitted development right does not apply to this building.

Other Matters

10. There is some dispute between the Council and appellant as to whether the Council issued its decision within the 56 days limit. However, this limit relates to the prior approval process for development that is permitted development under Class Q. As I have found that the proposal is not permitted development, this matter is not relevant.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR