
Appeal Decision

Site visit made on 8 November 2016

by Rory Cridland LLB (Hons)

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

Decision date: 01 December 2016

Appeal Ref: APP/D0840/W/16/3156830

Homefield, Tremar Coombe, Liskeard PL14 5EG

- 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 & Mrs A & P Bates against the decision of Cornwall Council.
 - The application Ref PA15/10365, dated 27 October 2015, was refused by notice dated 6 January 2016.
 - The development proposed is for a change of use from agricultural building to dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Cornwall Council against Mr & Mrs A & P Bates. This application is the subject of a separate Decision.

Main Issues

3. The main issues are whether the proposal complies with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendments and Consequential Provisions) (England) Order 2015 ("the Order") with particular regard to its use on 20 March 2013 ("the Relevant Date") and its external dimensions.

Reasons

4. Paragraph Q.1 of the Order permits the change of use of an agricultural building to a residential dwelling, together with building operations reasonably necessary to convert it. However, Paragraph Q.1(a)(i) excludes such development if, amongst other things, the site was not used solely for an agricultural use as part of an established agricultural unit on the Relevant Date. Furthermore, Paragraph Q.1(g) excludes development which would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
 5. The appeal site is located to the rear of the property known as Homefield, a large detached property set on elevated land overlooking Tremar Coombe. The site itself consists of a small block built agricultural building and what appears to be a stable block. The two buildings themselves are linked via a small external animal holding area which, while partially covered, contains a small gap between the buildings.
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6. The appellant has indicated that the buildings were previously used to keep sheep and alpacas. However, while it is evident that the structures would have, at some point, been used to house animals, there is no robust evidence which indicates their type, number or whether such use was carried out for the purposes of a trade or business. Likewise there is little evidence to indicate that the building formed part of an established agricultural unit. Furthermore, in view of its small size and close relationship to the main dwelling, the existing building gives the distinct impression of a more domestic operation as opposed to an agricultural one.
7. While I note the agricultural reference number¹ referred to by the appellant, without further information as to the extent of that holding and the type of agricultural activity involved, its usefulness is limited. I do not therefore consider it to be sufficient to demonstrate that the building meets the requirements of Class Q. Accordingly, I find that there is insufficient information to enable me to establish whether the proposal complies with the requirements of Paragraph Q.1(a)(i) of the Order.
8. The proposal would also result in the joining together of the two existing buildings to form a single unit. While I note the appellants' contention that the proposal should be considered as works to a single building, it is clear from both the evidence submitted by the Council and my on-site observations that the buildings are physically separate with a gap between them. In joining these structures together, the proposal would increase the overall external dimensions of the existing buildings, adding both walls and a roof where presently there is none. This would be contrary to Paragraph Q.1(g) of the Order.
9. The Council has also raised concerns regarding the extent of the curtilage proposed. Paragraph X of the Order sets out the definition of curtilage. It effectively limits the size of the curtilage to an area of land immediately beside or around the building or an area no larger than the land area occupied by the agricultural building *whichever is the lesser*. In this case, the area of curtilage proposed significantly exceeds the area of land occupied by the agricultural building. Accordingly, I concur with the Council that as a result the proposal would fall outside Class Q permitted development.
10. Consequently, I consider the proposal to be excluded from Class Q permitted development by Paragraphs Q.1(a)(i) and Q.1(g) of the Order. I also find that the proposed curtilage would exceed that permitted by Paragraph X. As such, I find that it does not benefit from Class Q permitted development rights.

Conclusion

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

Rory Cridland

INSPECTOR

¹ (Ref 07/16/0041 – 1953)