
Appeal Decision

Site visit made on 14 March 2017

by David Walker MA MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/X1118/W/16/3162634

Higher Halsinger Farm, Halsinger, Braunton, Devon EX33 2NL

- 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 Albert Garness against the decision of North Devon District Council.
 - The application Ref 60893, dated 4 March 2016, was refused by notice dated 13 May 2016.
 - The development proposed is change of use of agricultural buildings to three dwelling houses and for associated operational development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposal would accord with the requirements for development permitted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons

3. For the proposal to benefit from the change in use allowed under Class Q the buildings to be converted must be agricultural buildings. Paragraph X to Part 3 of the GPDO explains that an agricultural building means '*a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business*'. Furthermore, the limitations of paragraph Q.1 require that the site forms part of an established agricultural unit on 20 March 2013, amongst other limitations.
 4. The buildings proposed for conversion form part of a grouping of farm buildings that together with 3 acres of land were acquired by the appellant in June 2012, after the death of the original farmer. A further 140 acres of land associated with the farm buildings were retained by the family of the original farmer for use in association with a different farm. Therefore, while an agricultural holding number is associated with the appeal buildings it is clear that the original farming unit was split up on the transfer of ownership.
 5. Correspondence from the appellant and his agent following the acquisition of the appeal site shows the intention from the outset to redevelop the buildings and the original farmhouse. There is no indication that the appellant is
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engaged in agriculture. Moreover, it is stated that the appellant's work is involved in the renewable energy sector. While there has been some grazing by neighbouring farmers there is no evidence that the appeal buildings have been used for an agricultural trade or business following the sale in 2012.

6. I acknowledge, with reference to the appeal decisions provided to me, that the temporary use of the appeal buildings for storage does not necessarily result in a material change of use. However, this does not alter the fact that they were not agricultural buildings comprised in an established agricultural unit under the terms expressed in the GPDO at the relevant date.
7. As the proposal would not accord with the requirements of Schedule 2, Part 3, Class Q of the GPDO it cannot therefore amount to being a permitted development.

Conclusion

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

David Walker

INSPECTOR