
Appeal Decision

Site visit made on 3 April 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 20 April 2017

Appeal Ref: APP/Z2830/W/17/3167417

**Kidmans Barn, Manor Farm Buildings, Adstone, Towcester,
Northamptonshire NN12 8DT**

- 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 Messrs A.G. Paton against the decision of South Northants District Council.
 - The application Ref S/2016/1465/PA, dated 15 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is determination as to whether prior approval is required (under Class Q Part 3 of the above order) for the change of use of an agricultural building to a dwellinghouse (Use Class C3) in respect of the transport and highways impacts of the development; noise impacts of the development; contamination risks on the site; whether the siting and location of the buildings make sit impractical or undesirable to change the use and the design and external appearance of the building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have used the description of the development from the Council's decision notice and appellant's appeal form which more precisely identifies the proposed development than that contained on the appellant's application form.

Main Issues

3. The main issues are
 - i) whether or not the proposal constitutes permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and
 - ii) whether the location or siting of the building makes it otherwise impractical or undesirable for residential use.

Reasons

Permitted development

4. Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits development consisting of a change of
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use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building. Development is permitted under Class Q subject to a number of conditions, limitations or restrictions which are set out under paragraph Q1(a) to (m).

5. The Council's case is that firstly the proposal fails against the limitations set out in Q.1(f) in that development under Class A(a) or Class B(a) of Part 6 of the GPDO has been undertaken since 20th March 2013. Secondly, the site was not solely in agricultural use on 20th March 2013 as required by paragraph Q.1(a).
6. The Council has submitted details of application reference S/2015/2632/AGD. The application was submitted by the appellant under Class A(a) of Part 6 of the GPDO on the 30th October 2015 for the erection of an agricultural building within the established agricultural unit within which the appeal site is located. The Council state that at the time of the case officer's site visit on 27 July 2016 building work had commenced. I saw on my site visit that the building was still being constructed but nevertheless was some way towards completion.
7. The appellant states that construction of the building did not commence until after the submission of the application which is the subject of this appeal. Nevertheless, paragraph Q1 (f) of Part 3 Class Q makes it clear that development is not permitted if development under Part 6 has occurred since March 2013.
8. Therefore, the proposal before me is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, I conclude the proposal is development for which planning permission is required. An application for planning permission would be a matter for the Local Planning Authority to consider in the first instance.
9. Given my findings above it is not necessary for me to consider whether the site was solely in agricultural use on 20th March 2013 or the related merits of the prior approval application, against those matters set out in Paragraph Q.2 of Class Q of the GPDO.

Conclusion

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

Zoe Raygen

INSPECTOR