
Appeal Decision

Site visit made on 3 April 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/E2734/W/16/3167501

Old Reservoir, Wingate Farm, Plompton, Knaresborough, North Yorkshire HG5 8LX

- 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 Nigel Addyman against the decision of Harrogate Borough Council.
 - The application Ref 6.108.6.PBR, dated 28 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the conversion of agricultural building (previously agricultural reservoir) to one dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would constitute permitted development in respect of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015).

Reasons

3. Development is permitted under Schedule 2, Part 3, Class Q of the GPDO 2015 subject to certain limitations. Development is not permitted by Class Q if – Q.1 (a) the site was not used solely for an agricultural use as part of an established agricultural unit on (i) 20th March 2013, or (ii) 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, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.
 4. The application relates to a fully enclosed and partly submerged concrete reservoir building located within a small group of buildings on land to the north of Wingate Farm and Wingate Court. It is the appellant's contention that the reservoir was constructed over 100 years ago by Harewood Estates to supply water drawn from a borehole by pump and windmill to a number of farms within the Estates' overall control. Although having been disused for a number of years the appellant states that, having never been owned by the Water
-

Authority, it was used for agricultural purposes supporting Harewood Estates' various farms. There is no dispute that the current agricultural unit of Wingate Farm, within which the former reservoir building lies, is an established agricultural unit for the purposes of the GPDO 2015, operating as a mixed unit of arable, cattle and other livestock rearing.

5. The Council dispute the appellant's submissions regarding the nature and extent of the previous use of the appeal building, being of the opinion that as the structure was used as a reservoir it had not been used as part of an agricultural trade or business. Consequently, it is argued, the building does not therefore qualify for residential conversion under the provisions of Class Q of the GPDO 2015. In doing so however, the Council have not elaborated upon this and no further evidence has been put forward to support this blunt assessment or to respond to the appellant's submissions regarding its previous agricultural use.
6. Nonetheless, I find the appellant's evidence in relation to the building to be vague and limited to broad statements of the nature set out above and the information before me is both limited and conflicting. I have insufficient evidence before me, such as documentary evidence of the nature of the building's use and the farms it supplied, the nature of that supply and whether or not that supply was solely for agricultural purposes, to be able to reach a conclusion about whether or not the building was last used solely for an agricultural use. Nor has there been any suggestion that the former reservoir building was most recently used as part of the current Wingate Farm agricultural unit.
7. Under paragraph W (of the GPDO 2015), an application may be refused where the developer has provided insufficient information to enable it to be established whether the proposed development complies with any conditions, limitations or restrictions as may be applicable to the development in question. In this case, I consider there to be insufficient information for me to establish whether the building was last used solely for agricultural purposes and therefore to enable me to establish whether the proposed development complies with the conditions, limitations or restrictions of the GPDO 2015.
8. I note that in reaching its decision the Council were also concerned that the extent of building operations and excavation works would exceed those considered 'reasonably necessary' to convert it to a use falling within Class C3 (dwelling houses) under Class Q(b) and the range of works set out at paragraph Q(i)(i) and (ii). However, as I have found that there is insufficient information for me to establish whether the building was last used solely for the purposes of agriculture, there is no need for me to consider whether the proposed works are reasonably necessary as this would not alter my decision.

Conclusion

9. I conclude that the proposal does not constitute permitted development and the appeal is dismissed.

Graeme Robbie

INSPECTOR