
Appeal Decision

Site visit made on 3 May 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 31 May 2017

Appeal Ref: APP/Y3940/W/16/3165391

**Former Agricultural Machinery and Hay Loft Store, New Manor Farm,
Hoggington Lane, Southwick, Nr Trowbridge, Wiltshire BA14 9NR**

- 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 M J Slade against the decision of Wiltshire Council.
 - The application Ref 16/06064/PNCOU, dated 17 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is change of use of agricultural building to a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have adopted the description of the proposal from the Council's decision notice instead of the description given in the application form as it more concisely describes the development proposed.

Main Issue

3. The main issue is whether the proposal complies with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") with particular regard to its use.

Reasons

4. Paragraph Q of the Order permits the change of use of an agricultural building and any land within its curtilage to a residential dwelling, together with building operations reasonably necessary to convert it, subject to a number of restrictions. These include where the site¹ was not used *solely for an agricultural use* as part of an established agricultural unit on 20 March 2013² ("the Relevant Date").
5. The appeal property consists of a red brick building situated at New Manor Farm, an established agricultural unit. The appellant has provided a sworn Statutory Declaration which asserts that the building was in existence prior to his purchase of the farm in 1982. Although he accepts that it has been adapted over the years, he asserts that it is substantially the same building and has

¹ ie. the building and any land within its curtilage

² Paragraph Q.1(a)(i)

been used for the agricultural storage purposes since that time. However, this is disputed by the Council who argue that the building is new and, in its current form, is unsuitable for agricultural use.

6. I agree with the Council's assessment. Although the application form indicates that it is a traditional barn, the materials used in its construction are clearly of more modern origin, showing little in the way of weathering. Furthermore, it is clear from the evidence submitted that the present building has been considerably altered from its original structure. Aerial photographs from 2001 and 2006 show an L shaped building on the site which appears substantially different to the present one. In addition, those from 2009 and 2012 show that building was substantially demolished and it is only in 2014 that the existence of the current building becomes apparent. I therefore conclude that the original building was demolished at some point during or before 2009 and was substantially rebuilt at some point between 2012 and 2014.
7. Furthermore, it is clear that considerable work has been undertaken to convert the building to domestic residential accommodation, including the installation of cavity walls, UPVC windows, doors and an internal staircase as well as the domestic style electricity supply – none of which are normally associated with an agricultural building. While I acknowledge that these works would be permitted under the Class Q right, in circumstances where the development has already commenced, or is partially or wholly complete, the Class Q permitted development right does not apply.
8. In this case there is no robust evidence which would demonstrate that the building was used for agricultural purposes on the Relevant Date. Likewise, in view of the alterations already undertaken, I am not convinced that the present building is capable of performing an agricultural function at the present time. Accordingly, in the absence of any robust evidence to the contrary, I find that the building is excluded from the Class Q Permitted Development regime.

Conclusion

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

Rory Cridland

INSPECTOR