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## Appeal Decision

Site visit made on 27 June 2017

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 11 July 2017**

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**Appeal Ref: APP/W1525/W/16/3165785**

**Smithfield, Hawkswood Road, Downham, Billericay Essex CM11 1JZ**

- 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) Order 2015 (GPDO) (as amended) .
  - The appeal is made by Mr A Wright against the decision of Chelmsford City Council.
  - The application Ref 16/01719/COUPA, dated 22 September 2016, was refused by notice dated 14 November 2016.
  - The development proposed is the change of use of agricultural buildings to dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the proposal is permitted development.

### Reasons

3. The appeal site comprises a range of buildings surrounded by hardstanding within a larger pasture area which is located on one side of Hawkswood Road. The overall site extends to some 2.4ha. Within the complex of buildings, there is a brick built building with a pitched roof structure and a larger rendered building with a metal sheet roof. It is these two buildings that are subject to the proposal.
  4. Under Class Q of the GPDO, paragraph Q.1 states development is not permitted by Class Q *if (a) the site was not used solely for an agricultural use, as part of an established agricultural unit (i) on 20 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.*
  5. The application states that site has been occupied for the purposes of agriculture complying with the date requirements indicated above. In this regard, the agricultural unit had been owned by the Appellant's family for many years and was operated by his father until June 2014. The holding was used to rear poultry, "meat rabbits" and keep goats and historically pigs. The farm was run as an intensive pig unit about 30 years ago and then scaled down. Nevertheless the Appellant indicates that there was still a significant number of chickens, ducks, geese and other small animals all used for food production until the end of 2015/early 2016. Hay was also produced and hen and duck eggs were sold at the gate to a range of established customers.
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6. The definition of "agricultural building" is set out at paragraph X (interpretation of Part 3) of Schedule 2, part 3 of the GPDO where it states the meaning to be a "building" used for agriculture (excluding a dwellinghouse) and which is so used for the purposes of a trade or business, and "agricultural uses" refers to such uses.
7. An agricultural business in decline does not in itself indicate the absence of a trade or business. However, there was lawful development certificate (LDC) application for development on the site in June 2012 and an accompanying letter (dated received 11 June 2012) indicated that the site once had a thriving business breeding and trading pigs, rabbits and poultry but that a business is no longer conducted at the property. Therefore, this would give a strong indication that the site was not used for an agricultural trade or business on the requisite date.
8. The LDC accompanying letter also indicated that the smaller building was a tackroom and store whilst the larger building was a stable and barn. The information indicates that the smaller building had been historically used to store food and associated items for the animals kept on the property whilst the larger building had always been used for stabling and rabbits. Within a completed Planning Contravention Notice dated 3 January 2012, the larger building was also indicated to be stables.
9. The Appellant has argued that the labelling of buildings as stable and tack room is historic originating from a time that horses were used in agriculture and therefore do not denote use. Council photographs taken 27 June 2012 show head collars, horse grooming kit, body rug, mucking out equipment close to the large building and in another building, horse-driving road carts. The Appellant indicates that the head collars were used to lead horses undertaking agricultural work and that horses were used to transport hay on carts.
10. However, the Appellant's appeal submissions indicate that there was only one horse on the holding in 2012 which was an old retired horse living outside, and that hay was cut and baled by neighbouring farmers. Under the LDC letter, it is also noted that that a further building was used to service and store machinery on the land, including mowers, tractors and trailer which would not suggest a need for horses to move hay around the holding. In summary, there is limited information to indicate that the larger stable building was used for agriculture and not equestrian purposes on this basis.
11. In summary, the balance of evidence would indicate that the site was not solely in agricultural use on the requisite date under paragraph Q.1.(a)(i)(ii) of Class Q and would not be permitted development. The Council has contended that the new cladding would extend beyond the external dimensions of the existing building in conflict with Paragraph Q.1.(g). As I have found that the proposal is not permitted development, there is no need to consider this further.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR