
Appeal Decision

Site visit made on 4 July 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/Z3825/W/17/3172061

Redgates Farm, Burnthouse Lane, Lower Beeding, West Sussex RH13 8NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Downard against the decision of Horsham District Council.
 - The application Ref DC/16/1717, dated 28 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the conversion of a barn to a dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council's Decision Notice refers to Schedule 2, Part 3, Class Q.1(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) in the reason for refusal; it states that there is significant doubt as to whether the building subject of the application was used for agricultural purposes as part of an established agricultural unit on 20 March 2013 (the material date). As a result, the Council suggest that the permitted development rights set out in Class Q are not applicable.
3. Schedule 2, Part 3, Class Q.1(a) of the GPDO states that the site should have been used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, or 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 if it was brought into use after that date, for a period of at least 10 years before the date development under Class Q begins. Consequently, in this case the relevant issue is whether the building was in use for agriculture as part of an established agricultural unit on 20th March 2013 and, if not, whether it was in that use when it was last used prior to that date.
4. Consequently, the main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under Class Q in terms of the use of the building.

Reasons

5. The information submitted in support of the appeal states that the building had been in use as part of a business growing herbs and producing infused olive oil between approximately 2004 and 2009 that operated from the site. That would have been an agricultural use and on an agricultural unit. I understand that

previous owners also used the land for agricultural purposes. However, the agricultural use of the land ceased in 2009.

6. The site was subject of another appeal relating to a mobile home that had been located on the site for nearly a year at the date of the decision on 5 May 2015. The Inspector into that appeal described the use of the building on 4 April 2015 when he visited the site as comprising storage of feed and tack that was related to the keeping of horses on the land, and other domestic storage. The keeping of horses is not an agricultural use in planning terms, so neither would the use of the building to support it, albeit that grazing horses on the land may be. The Inspector does not mention any other uses of the building, including agricultural uses, so this non-agricultural storage appears to have been the primary use of the building.
7. The appeal decision suggests that the appellant moved to the site as a result of financial necessity following illness. It also suggests that tack has been stolen from the barn and that the site was insecure. However, it is not clear when that theft took place or whether it related to the period before moving the mobile home to the site.
8. From the evidence, it seems that the agricultural use ceased in 2009 and at some time between then and 4 April 2015 the building started to be used for storage of feed and tack relating to the horses, along with domestic storage.
9. By the time I visited the site, the building was empty other than a number of pots that appear to have been left over from the herb business. I have no information as to when the storage of feed and tack for the horses ceased, nor the domestic storage use.
10. It is clear that when the building was last in use it was for the storage of feed and tack for the horses, and domestic storage. Neither of those storage uses are agricultural. Whilst that use must have started at some point between 2009 when the agricultural use ceased and 2015 when the previous Inspector visited the site, I am unable to conclude decisively what use was taking place on the material date. Consequently, my decision must be made on the balance of probability. In my opinion, it is unlikely that the building was kept empty between the agricultural use ceasing and the mobile home being moved onto the site. On that basis, I conclude that the non-agricultural storage uses would have started before the material date, such that the building was not in agricultural use as part of an agricultural unit on 20 March 2013.

Other matters

11. My attention has been drawn to decisions of this and neighbouring Council's. I note that these refer to temporary and informal storage uses for buildings that did not amount to a formal change of use. I need to consider the use of the existing building in this case on its own merits and, from the evidence in front of me, consider that the storage use was sufficient to comprise a material change to the use of the building.

Conclusion

12. For the reasons given above I have found that the proposed change of use cannot be permitted development under Schedule 2, Part 3, Class Q of the GPDO as the building was not in agricultural use as part of an established

agricultural unit on 20 March 2013 in accordance with Class Q.1(a). Therefore, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR