
Appeal Decisions

Site visit made on 20 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 2 August 2017

Appeal A Ref: APP/Z3825/W/17/3170490

Chicken Sheds, Chalk Farm, Okehurst Lane, Billingshurst, RH14 9HR

- 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.
 - The appeal is made by Mr Garth Houghton against the decision of Horsham District Council.
 - The application Ref DC/16/2411, dated 23 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is the conversion of agricultural building to 1 x 2 bedroom dwelling.
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Appeal B Ref: APP/Z3825/W/17/3170499

The Barn, Chalk Farm, Okehurst Lane, Billingshurst, RH14 9HR

- 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.
 - The appeal is made by Mr Garth Houghton against the decision of Horsham District Council.
 - The application Ref DC/16/2412, dated 23 October 2016, was refused by notice dated 16 December 2016.
 - The development proposed is the conversion of agricultural building to 2 x 2 bedroom dwellings.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matter

2. As set out above, there are two appeals at Chalk Farm which concern two separate buildings. Applications were made to the Council with respect to both buildings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
 3. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
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Main Issue

4. The main issue in both appeals is whether the proposed changes of use accord with the provisions of Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. The change of use of a building from a use as an agricultural building to a dwellinghouse is permitted under Schedule 2, Part 3, Class Q of the GPDO, subject to certain limitations. Q.1 (a) sets out that such a change of use 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 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.
6. Furthermore, as set out in paragraph X of the GPDO, for the purposes of Part 3 'agricultural building' means a building used for agriculture and which is so used for the purposes of a trade or business.
7. The appellant has supplied a letter, personal statement and a sworn statement outlining the various agricultural activities which have been carried out at Chalk Farm and stating that since he started farming in 1994 to date the land has been farmed without break. A declaration is also made that the buildings in question and any land within their curtilage were in use solely for agriculture as part of an established agricultural unit on 20 March 2013.
8. From the evidence before me it appears an agricultural workers dwelling was granted permission in 1999 (ref BL/128/99) at which time there was a small holding comprising some 10ha of land used for growing produce and raising livestock. An accompanying statement in support of this application included gross income and a brief financial overview of the farm. However, it is not clear from the submitted information that the buildings in question formed a part of this.
9. Notwithstanding the above, it is inevitable, given the length of time that has since passed, that things will have changed since the above application. Certainly the level of activity at Chalk Farm has scaled down, the holding having been reduced in size to some 3ha, and there is no longer any farming of livestock. An on-site farm shop has also closed. At the time of my site visit I observed the growing of fruit and vegetables and an area of managed woodland. However, aside from four letters confirming various purchases of goods over the years there is no firm evidence before me demonstrating that the activities carried out at Chalk Farm in more recent years constitute a trade or business, such as accounts showing size of turnover and any profit.
10. I also note there have been planning applications for changes of use of the chicken sheds to holiday cottages (refused) and offices (granted) in 2006 and 2012 respectively (refs DC/06/1370, DC/122249), although it appears that the latter permission was never implemented. Furthermore, during 2016 both of the buildings in question were used for domestic storage, albeit for a short period of time.
11. As set out above, in order to comply with Class Q the buildings must have been used for agriculture for the purposes of a trade or business. The evidence

before me is not sufficient to demonstrate that this was the case in accordance with the requirements of Q.1 (a) (i)-(iii). I therefore conclude that the proposals do not constitute permitted development and both appeals are dismissed.

Hayley Butcher

INSPECTOR