The Planning Inspectorate

Appeal Decision

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: 3rd August 2017

Appeal Ref: APP/Z3825/W/17/3169975
Hawthorns, Bar Lane, Copsale, Horsham, West Sussex, RH13 9DL

- 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 Phil Rowe against the decision of Horsham District Council.
- The application Ref DC/16/2527, dated 7 November 2016, was refused by notice dated 22 December 2016.
- The development proposed is the change of use from an agricultural building to dwelling.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Phil Rowe against Horsham District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed change of use accords with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. 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. The first of these is that the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

5. It is put to me that the building in question was in agricultural use on 20 March 2013. The appellant has supplied a letter from Suzanne Lavandera which states:

    - We owned the land from 2011 until early 2016;
    - Throughout this time it was farmed as part of our wider agricultural holding including the land at Peppers Farm;

- Twice a year a hay crop was taken off the land by David Liverton of Goffsland Farm at Shipley. The hay was stored within the main barn until required;
- Mr Liverton's cattle were also seasonally put out on the land to graze.

6. I accept that the use of land for grazing can be an agricultural use and I note that David Liverton paid Ms Lavandera to graze his cattle on the land. However, the hay crop taken off the land and stored in the building proposed to be converted was used as feed for horses at Ms Lavandera's equestrian facilities at Peppers Farm, which is clearly an equestrian use. On the evidence before me I am therefore not satisfied that it has been demonstrated that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. In light of my findings above it is not necessary for me to consider the preceding planning history of the site.

7. Class Q (b) of the GPDO permits the building operations reasonably necessary to convert the building to a dwellinghouse. Paragraph Q.1 (i) clarifies that development is not permitted by Class Q if it consists of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.

8. Two sides of the barn are currently enclosed with cladding, as is the roof. To achieve the proposed conversion and to make the barn habitable would require the existing side cladding to be stripped off, and new timber cladding to be attached to the building. Behind this some sort of insulation would be installed and windows and doors inserted into this. The roof cladding would also likely require replacement, or at the very least, insulation installed underneath. Such works would reasonably be considered to fall within the parameters of paragraph Q.1 (i).

9. The building in question is a relatively recent metal frame structure, erected between March 2007 and September 2009. An Agricultural and Rural Property Appraisal carried out in 2011, which valued the land and buildings, found the structure in question to be in excellent condition and finished to a high standard. Whilst there is no structural report before me, from all that I have seen and read there is no reason for me to conclude that the building is not structurally strong enough to take the loading of the external works required to provide for residential use.

Other matters

10. In light of my findings above it is not necessary to address the other concerns that have been raised by the Council in relation to consideration of prior approval matters under para Q.2 of the Order.

11. The permitted development right in respect of Class Q grants planning permission subject to the prior approval requirements. As set out above, in this case, the prior approval requirements have not been met. The fact that granting planning permission would contribute to local housing supply is therefore not a matter for consideration in this appeal.

12. A great number of Class Q decisions and case law are referred to by the appellant. From what is before me I find none of the decisions to be directly

comparable to the circumstances of this case or any case law which would alter my findings above.

Conclusion

13. I have found that the building operations required to convert the building would be reasonably necessary. There is also nothing before me to suggest that the building is not structurally strong enough to take the loading which would come with the external works required to provide for residential use.

14. However, as set out above, in order to comply with Class Q the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. The evidence before me does not demonstrate compliance with the GPDO in this respect. I therefore conclude that the proposal does not constitute permitted development and the appeal should be dismissed.

Hayley Butcher

INSPECTOR