



Appeal Decision

Site visit made on 31 July 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 1st September 2017

Appeal Ref: APP/Y2810/W/17/3170620

Barn off Holdenby Road, Spratton Grange, Spratton, Northamptonshire.

- 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 GPDO).
 - The appeal is made by Mr C Richardson against the decision of Daventry District Council.
 - The application Ref PD/2016/0061, dated 1 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is Notification for Prior Approval for a proposed change of use of agricultural Building to a dwelling house (Class C3), and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The GPDO requires the proposed development to be assessed against the criteria set out in Class Q. There is agreement between the main parties that the proposal in principle meets the conditions set out in paragraph Q.2, and that the only matter between them is whether it complies with the limitations under paragraph Q.1 (a).

Main Issue

3. This is whether the building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

Reasons

4. The appellant argues that the Council failed to determine the application for prior approval within the statutory 56 days as set out in Schedule 2, Part 3, paragraph W, and I have noted the appellant's submission on this. However, irrespective of whether or not such a determination was made in that timeframe, in order for permission to be deemed to have been granted, it must firstly be established that the proposal would be within the scope of permitted development.
5. The appeal building is a large rectangular barn constructed of brickwork under a slate roof. It occupies an isolated and elevated location on the edge of a larger agricultural field accessed from farm track from Holdenby Road. The existing barn was built sometime after the grant of planning permission in 2007 and as

far as the superstructure is concerned, appears to have been completed in accordance with approved drawing 3841/PN/01. According to the appellant, the barn has been used intermittently for the storage of machinery, tools and animal feed.

6. It is proposed to convert the building to a single dwelling. Class Q of the GPDO grants permission for 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). Paragraph Q.1 states that development is not permitted if the site was not solely used for an agricultural use as part of an established agricultural unit: i) on the 20 March 2013; ii) if not in use on that date, when it was last in use; or iii) if brought into use after 20 March 2013 for a period of at least 10 years. There is no dispute that criterion iii) does not apply.
7. From the submissions before me I am satisfied that the building is part of an established agricultural unit known as Spratton Grange. Nonetheless, I share the Council's concerns about the stated agricultural use. It was patently clear from my site inspection that the floor of the building is unfinished. I have noted the appellant's comments on this matter but in my view it would be most unusual for an operational agricultural building to consist of an unmade floor particularly where the sides of the building are essentially open to the elements as is the case here. In my view therefore, the state of the floor makes the building inherently unsuited to an agricultural use.
8. Although there is no requirement under Part Q for the building to have been completed, the unfinished floor does cast considerable doubt on the appellant's assertion that the building was in agricultural use on or before 20 March 2013. No substantial evidence has been adduced to support this claim and the photographs that have been supplied by the appellant and the Council only show the storage of building materials.
9. Paragraph W makes it clear that the onus is on the developer to provide sufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions of Class Q. I therefore conclude based on the balance of probabilities and the available evidence that the building was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or if the building was not in use on that date, when it was last in use.
10. In light of my conclusion above in respect no further consideration is necessary in respect of the issue of the Council's failure to determine the prior approval application within the 56 day timescale.

Conclusion

11. The proposed conversion would not satisfy the requirements of Class Q.1 of Schedule 2, Part 3 of the GPDO and therefore is not development permitted by it. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

D. M. Young

Inspector