



Appeal Decision

Site visit made on 22 January 2018

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 7 February 2018

Appeal Ref: APP/G5180/W/17/3181339

Barn at High Pines, North End Lane, Downe, Orpington, Kent BR6 7HG

- 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 appeal is made by Mr Guy Freeman against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05885/FLXAG, dated 8 December 2016, was refused by notice dated 23 February 2017.
 - The development proposed is the change of use of an agricultural building to a Class C3 dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, if vacant on that date when last in use, or if brought into use after that date for a period of at least ten years.

Reasons

Agricultural use

3. It is a fundamental requirement for permitted development under Class Q that the building concerned is an agricultural building that meets the detailed eligibility criteria under paragraph Q.1(a) of the 2015 Order.
4. In this case the building was allowed on appeal in 1986 to be used for the storage of farming equipment, tools, fertilisers and produce in connection with a 1.82 ha site which was registered as an agricultural holding¹. However, the building was not built in accordance with the approved plans and the Inspector dealing with an enforcement notice in 1989 observed that the 1.82 ha site was 'steep, stony and largely overgrown, providing summer grazing for 3 horses, with little or no signs of cultivation'². Subsequently, in 1994, three applications for the change of use of the building to other purposes, including a dwelling, were refused. Local representations maintain the building has never been used for agricultural purposes and on the date of the site visit there was a tractor inside the building together with the storage of miscellaneous items.

¹ T/APP/G5180/A/85/036789/P2

² T/APP/C/89/G5180/000014/P6

5. An agricultural building is defined by the 2015 Order³ as a building used for agriculture and which is used for the purposes of a trade or business. However, no evidence has been provided that the building has been used as part of an agricultural trade or business at any time since its construction in the late 1980s. The evidence of the 1989 Inspector is that the adjacent 1.82 ha site was not being used for agriculture at that time, and it is not claimed that an agricultural use or business has commenced since.
6. In addition, to qualify under Class Q, the building must be used (or was last used) as part of an established agricultural unit. It would appear the 1.82 ha site was intended to be used as an agricultural unit in 1986 but the subsequent history of this unit is not clear. No claim is made that the appellant currently operates an agricultural unit involving the building or has done so in the past.

Conclusion

7. Whilst the building was originally intended to be used for agricultural purposes there is no evidence that this use ever commenced. There is also no evidence of the building ever being part of an established and operational agricultural unit. The building does not therefore meet the criteria in paragraph Q.1(a) of the 2015 Order for permitted development rights under Class Q and the appeal must therefore be dismissed.

David Reed

INSPECTOR

³ Part 3 Paragraph X