
Appeal Decision

Site visit made on 4 June 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 31st July 2019

Appeal Ref: APP/U2370/W/19/3224547

Agricultural Building at The Willows (formerly Fairwinds), Clay Gap Lane, Out Rawcliffe, Preston, Lancashire PR3 6SU

- 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 Patten against the decision of Wyre Borough Council.
 - The application Ref 18/01237/COUQ, dated 14 December 2018, was refused by notice dated 28 January 2019.
 - The development proposed is change of use of agricultural building to a dwelling house under Class Q of the GDPO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the development as 'creation of 1No new dwelling'. However, in the banner heading above I have adopted the description of the proposal on the Council's decision notice as this more accurately reflects the permitted development for which prior approval is sought under the terms of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. The appeal relates to a building constructed of blockwork and sheeting with a dual pitched roof. It is within a parcel of land that also includes a holiday let and private stables, together with equestrian paddocks.
5. The GPDO permits development consisting of a 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 Order¹ and any building operations reasonably necessary to convert the building.

¹ The Town and Country Planning (Use Classes) Order 1987 as amended.

6. Paragraph Q.1 states exceptions to this, including Q.1(a)(i) that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
7. Although the meaning of “agriculture” is not defined in the GPDO, it is generally understood to include the keeping of livestock for the production of commodities or for the purposes of farming the land. In this respect, case law² has established that the keeping of horses which involves activities other than putting them out to graze would not be an agricultural use.
8. Planning permission was granted in 1995 (ref 95/0364) for the appeal building, as a storage building for equipment and hay in connection with the adjoining stables. The application form states that the existing use of the site was as private stables – paddock and grazing, and the agent certified that none of the land to which that application related was, or was part of, an agricultural holding. Subsequent planning applications relating to the nearby stable building³ refer to the appeal building as either a portal food store or an existing storage building to house applicant’s own horse and tack/feed.
9. No evidence has been provided which demonstrates that the appeal building was part of an agricultural unit or that there was an agricultural business at this site. Therefore, while the building may have been used to store equipment for the purposes of managing the land, the evidence suggests that this was in connection with the equestrian use of the site. Moreover, notwithstanding that horses might be put out of graze the adjacent fields, the presence of the stables, the feed and tack store, and the sand exercise paddock all indicate that horses are not kept at this site solely for the purposes of farming the land.
10. I therefore conclude that it has not been demonstrated that the appeal building meets criteria Q.1(a)(i) relating to Class Q of the development permitted under Part 3 of the GPDO 2015 because the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.

Conclusion

11. For this reason, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

² Belmont Farm Ltd v MHLG [1962] 13 P&CR 417

³ Council refs 13/00095/FUL, 14/00157/FUL and 15/00916/FUL