



Appeal Decision

Site visit made on 21 January 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/Y2620/W/19/3235204

Southcroft, Yarmouth Road, North Walsham NR28 9AX

- 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 & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Carter against the decision of North Norfolk District Council.
 - The application Ref PU/19/0926, dated 3 June 2019, was refused by notice dated 31 July 2019
 - The development proposed is described as "notification for prior approval for proposed change of use of agricultural building to 1 dwellinghouse (Class C3) and associated building operations".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form used by the appellant refers to prior notification of agricultural or forestry development for a proposed building under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, the development that is the subject of this appeal sought prior approval for a change of use of the building from agriculture to a dwellinghouse under Schedule 2, Part 3, Class Q of the GPDO. Thus, I have taken the description of the development from the Council's decision notice which more accurately reflects the development before me.

Main Issues

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of GPDO and, if so, whether the proposal would be acceptable in respect of the conditions of Q2 (1) (a-f) of the said Order.

Reasons

4. 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 by Class Q if, amongst other things, (a) the site was not used solely for an agricultural use as part of an established agricultural unit: (i) on the 20 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 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
5. The appellant contends that the last use of the building was for the growing of mushrooms. The building was erected in around 1952 and by 1967 was already converted for mushroom production which continued until 1983. The appellants purchased the site in 2010 and confirm that at that time, *"all agricultural activity had ceased and the timber framed glasshouse use for tomato production had been taken down and stored in the mushroom building"*.
 6. In this case, I have not been provided with any substantive evidence from the appellant in the form of say photographs or documentation relating to equipment required for the growing of mushrooms or the storage of agricultural equipment within the building that would corroborate the appellant's claim that the building was last used for agricultural purposes. While the appellant's states that two statutory declarations confirm the use of the building since 2010, neither I nor the Council have been provided with these documents.
 7. Moreover, there has been no submissions relating to any other information provided that would persuade me that the actual last use of the building prior to 20 March 2013 was for agriculture and was part of an established agricultural unit. Furthermore, I am not certain of the amount of personal storage use of the building since the mushroom production ceased and indeed whether this has altered the lawful use status of the building in question.
 8. In making this appeal, the onus of proof rests with the appellant in terms of demonstrating whether or not the building has been used solely for agricultural purposes as part of an established agricultural unit. Whilst the appellant's evidence does not have to be corroborated by independent evidence to be accepted, it nonetheless has to be sufficiently precise and unambiguous.
 9. In conclusion, in order to benefit from the provisions of Schedule 2, Part 3, Class Q of the GPDO the appeal buildings must have been in agricultural use on 20 March 2013 or, if not on this date, when it was last used. In this case, inconclusive evidence is before me to reach a certain conclusion on this matter. Therefore, I conclude that the proposal before me is not permitted by the Order.
 10. As I have concluded that the proposal is not permitted development for the purposes of the GPDO, it does not now fall on me to assess the proposal against the conditions of Q2 (1) (a-f) of the GPDO as it would not alter the outcome of this appeal.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Graham Wyatt

INSPECTOR