



Appeal Decision

Site visit made on 3 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/Z2830/W/19/3242549

Queens Oak Barn, Queens Oak Farm, Potterspury, Towcester NN12 7LL

- 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 (as amended) (the Order).
 - The appeal is made by Mr Euan Hussell against the decision of South Northants District Council.
 - The application Ref S/2019/0722/PA, dated 10 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is described as "Determination as to whether prior approval is required (under Class Q of Part 3 of the above Order) for the change of use of an agricultural building to a dwellinghouse (Use Class C3) in respect of: the transport and highways impacts of the development; noise impacts of the development; contamination risks on the site; flooding risks on the site; whether the siting and location of the buildings makes it impractical or undesirable to change the use; and the design and external appearance of the building at Queens Oak Farm Barns Queens Oak Farm Potterspury Lodge Potterspury Lodge Road Towcester NN12 7LL".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form describes the proposal in terms of a reference to one of the application drawings and a description of the existing building and proposed materials. I have therefore taken the description of development from that used in the appeal form and the decision notice as this more fully reflects the proposed development.
3. Schedule 2, Part 3, Section W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval for the proposal under Schedule 2, Part 3, Class Q of the GPDO which relates to change of use from agricultural buildings to dwelling houses.

Main Issue

4. The main issue is whether the proposal would be permitted development, with particular regard to whether the requirements of Class Q of the Order would be met.

Reasons

5. Under paragraph Q.1 (a), 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 20 March 2013.
6. The appellants primarily rely on letters from their veterinary surgeon and a neighbour, together with a letter from the Rural Payments Agency dated 30 September 2015 providing County Parish Holding (CPH) and Single Business Identifier (SBI) numbers.
7. Whilst it is clear from the evidence before me that the building was occupied in the past as a dairy farm, the use of the building subsequent to acquisition by the appellant in 2001 is disputed by the Council. The appellants statement refers to the use of the land within which the building lies for the cultivation of hay and the letters refer to the use of the building for the storage of hay and machinery. The Design and Access Statement accompanying the application states that the building has been used for horse stables and as sheep sheds. At the time of my site visit the pens were either empty or being used for storage.
8. The appellant explains that on 20 March 2013 the building was in use for the storage of hay, with animal pens within the building being built at the start of 2015 when the appellant embarked on a sheep breeding enterprise, necessitating changing the holding number.
9. Paragraph X of the GDPO sets out that the term agricultural use should be taken to mean 'for the purposes of trade or business'. The Council acknowledge the CPH allows animals to be kept on a holding. However, the CPH does not demonstrate the purpose of keeping livestock.
10. Whilst, at the time of my site visit, I observed a modest flock of sheep on a field nearby, no further evidence is before me to demonstrate that the land within which the building lies was in use as part of a business, rather than a hobby farm or paddock for horses.
11. There is no evidence before me to identify what use the hay was put to. Notwithstanding the CPH and SBI, hobby farming would not constitute an agricultural trade or business nor would, of itself, the keeping of horses.
12. In summary I am not persuaded that the buildings were in agricultural use on 20 March 2013. On this the proposal would not amount to permitted development under Q.1 (a).
13. As the proposed change of use cannot be considered as permitted development under Class Q1(a), notwithstanding the Council's other reasons for refusal, there is no necessity for me to consider whether the proposal meets the other requirements of Class Q.

Conclusion

14. For the reasons given, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal is therefore dismissed.

I Dyer

INSPECTOR