



Appeal Decision

Site visit made on 20 May 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2020

Appeal Ref: APP/V2635/W/19/3243379

**Orchard Farm, Lady Drove, Barroway Drove, Downham Market, Norfolk
PE38 0AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr R McMillan against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/00829/PACU3, dated 2 May 2019, was refused by notice dated 25 September 2019.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed change of use constitutes permitted development pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Reasons

3. The appeal building is located south of Poplar Farm House on Lady Drove. It sits between a residential dwelling and a commercial building. To the front of the site there is a barn which is being converted under a separate planning permission¹ and to the rear is the building subject to this appeal. The appeal building is set back from the road, with the access running past the barn conversion to the front.
4. The Council has suggested that the building is not in agricultural as it is subject to an existing temporary change of use to residential, due to the siting of a caravan in the building. Therefore, it has suggested that it does not benefit from the change of use afforded by the GPDO. I also note that an interested party has stated that the building was never used as an agricultural building and the last time the site was ever connected to farming was over 50 years ago.
5. I observed on my site visit that the building was empty and that the caravan had been moved to a different location on the site. The appellant has suggested that the caravan is acting as temporary accommodation whilst the

¹ Planning permission reference 18/00673/F and 19/00829/PACU3

self-build barn conversion on the wider site is carried out and as the caravan is positioned outside, not inside the barn subject of a change of use of the barn has not occurred and the authorised use remains agricultural. The appellant, therefore, states that the proposal would comply with Q.1(a) of the GPDO.

6. Whilst I acknowledge that the Council, aside from the presence of the caravan, has not suggested that the barn would not be in agricultural use it is necessary for me to consider compliance with Class Q.1 of the GPDO on the evidence before me.
7. I note that the appellant has stated that the building is in agricultural use and has been since at least 20th March 2013 and that there is an approved scheme on another part of the site. However, there is no evidence before me to demonstrate to any reasonable degree that the barn has been used for agricultural purposes as part of an established agricultural unit. Further, there is no evidence to suggest when it was last in use or if brought into use for 10 years after that date.
8. It appears from my site visit that the barn is currently empty and was likely being used, for domestic storage purposes associated with the conversion of the appellant's other property at the time of the Council's site visit. Irrespective of whether a formal change of use has taken place in planning terms, I cannot conclude from the evidence before me that the barn has been used as part of an established agricultural unit since at least 20 March 2013 or that its last use prior to 20 March 2013 was for agricultural purposes as part of an established agricultural unit.
9. Consequently, I must conclude that the proposal does not comply with Class Q.1 (a) and is consequently not permitted development. Therefore, it is not necessary for me to consider the appeal any further in terms of the proposals compliant with Class Q of the GPDO.

Conclusion

10. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR