



Appeal Decision

Site visit made on 19 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/U1105/W/21/3267702

Land and Piggery to North of Coach House and Hamlet House, Weston, Honiton EX14 3PB

- 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 GDPO).
- The appeal is made by Mr Braddick against the decision of East Devon District Council.
- The application Ref 20/1380/PDQ, dated 1 July 2020, was refused by notice dated 27 August 2020.
- The development proposed is described as '*a 1-bedroom dwelling with shower room and studio kitchen / living room all on one floor level. The building and roof will remain the same, the floor will be raised. 2 New windows will be formed within the existing external walls and the front cladded area will be infilled with masonry incorporating a French door. The position of the building to the land is detailed on the drawing 580 - sheet - 001 Electric, Water and Foul drainage are connected.*'

Decision

1. The appeal is dismissed.

Procedural Matter

2. The second of the two reasons for refusal on the decision notice states that the area around the proposed dwelling included within the red line of the Site Location Plan would exceed the land occupied by the existing building. However, at the appeal the Council clarified that, on the basis of the most up to date Site Location Plan, Ref 001_Rev A, this is not actually the case. I have not therefore had reason to consider this matter further in my decision.

Main Issue

3. The main issue is whether or not the proposal would constitute permitted development having regard to Class Q of the GPDO.

Reasons

4. Development is not permitted by Class Q.1 (a) if a site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20 March 2013 (the Relevant Date) or (ii) in the case of a building that 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 the Relevant Date, for a period of at least 10 years before the date development under Class Q begins.
5. The GPDO sets out that 'established agricultural unit' for the purpose of Class Q means agricultural land occupied as a unit for the purposes of agriculture. 'Agricultural building' means a building (excluding a dwellinghouse) used for

agriculture and which is so used for the purposes of a trade or business, and agricultural use refers to such uses. Thus, whether or not a building is a candidate for development under Class Q is not an issue that turns simply on whether or not it maintains a lawful agricultural land use.

6. I understand that the building proposed for conversion was once part of Marles Farm, Awliscombe, and I have no reason to doubt that it likely has an agricultural land use. However, in terms of its agricultural use on the Relevant Date, as defined by the GPDO, the evidence before me is less than supportive.
7. Photographic evidence provided by the Council shows the building being used for what appears to be storage not discernibly related to agriculture in 2020. The Council has also asserted, and it has not been disputed, that a similar pattern of storage use was evident back at the site in 2004. The appellant has stated that the agricultural use of the building has only occurred 'on occasions' over the last 20-25 years. Even then, despite references to the land around the building forming a small holding with a Title Number, there is no substantive evidence that any agricultural use of the subject building that may have taken place on the Relevant Date was in relation to a trade or a business.
8. Under Schedule 2, Part 3, Paragraph W. (3) of the GPDO, an application may be refused where the developer has provided insufficient information to enable the decision maker to establish whether the proposed development complies with any conditions, limitations or restrictions as may be applicable to the development in question.
9. Given the circumstances, insufficient information has been provided to enable me to establish with any degree of certainty whether the proposed development complies with the restrictions imposed by Paragraph Q.1 (a) of the GPDO. I therefore conclude that the proposal would not constitute permitted development having regard to Class Q of the GPDO.

Conclusion

10. For the reasons above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR