



## Appeal Decision

Site Visit made on 10 August 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2021**

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**Appeal Ref: APP/K2420/W/21/3275468**

**Land And Buildings at Shenton Lane, Sibson, Nuneaton CV13 6LB**

- 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 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
  - The appeal is made by Mr Jack Hemmings against the decision of Hinckley and Bosworth Borough Council.
  - The application Ref 21/00036/P3CQ, dated 8 January 2021, was refused by notice dated 26 March 2021.
  - The development proposed is conversion of an agricultural building into one dwellinghouse (C3) with associated building operations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the header above is taken from the appeal form although it omits the superfluous reference to the type of application. It is used by both main parties and so my assessment is based on this description.
3. I have invited comments from the main parties on the revised National Planning Policy Framework, issued in July 2021. No responses have been received.

### Main Issue

4. The main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO.

### Reasons

5. Class Q permits the change of an agricultural building to a dwellinghouse with reasonably necessary building works, subject to various conditions and limitations. Under paragraph Q.1, development is not allowed under 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. Section X of Part 3 of Schedule 2 of the GPDO (Section X) defines an agricultural building for the purpose of Class Q as one "used for agriculture and which is so used for the purpose of a trade or business". Agricultural use is defined as referring to such uses. As such, in order to establish whether the appeal building benefits from Part Q rights, it is important to ascertain whether it is and has been used for agricultural business or trade.

7. A sworn statement from the previous owner indicates the appeal building was used from 2006 to 2020 as a workshop and agricultural barn for storing equipment and feed. The Council do not dispute the factual accuracy of this statement and so the evidence indicates the building was used for agriculture on 20 March 2013.
8. However, no part of the sworn statement indicates that the building was used at any time for an agricultural trade. Moreover, no other information such as company accounts or trade documents are before me that shows the site has been or is currently used for agricultural business purposes.
9. The appellant suggests that it would be difficult to prove any particular purchases or sales linked to the unnamed appeal site. However, the submissions indicate the field was once part of a wider farm unit, although no evidence of agricultural business activities from this larger holding has been provided. Furthermore, I am advised the site is no longer associated with any other land and there is no obvious indication that the building or field are used for agricultural business purposes. It is stated that the appellant has recently applied for the site to become an agricultural holding and has improved the fertility of the land but these actions do not demonstrate trade activities.
10. As such, I am unconvinced the building subject of this appeal can be classed as an agricultural building or that the site was in agricultural use on 20 March 2013, having regard to the definitions set out under Section X. Consequently, I conclude insufficient evidence has been provided to show the proposal would comply fully with the terms and conditions of Class Q. In such circumstances, paragraph W(3) of Part 3, Schedule 2 of the GPDO states an application may be refused.

### **Conclusion**

11. I conclude that the proposal would not constitute permitted development as defined by Class Q of the GPDO. Therefore, the appeal is dismissed

*Jonathan Edwards*

INSPECTOR