



Appeal Decision

Site Visit made on 29 June 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/H0520/W/21/3271405

Pencroft, High Street, Yelling PE19 6SB

- 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, Paragraph Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr C Griffith against the decision of Huntingdonshire District Council.
 - The application Ref 20/01211/PMBPA, dated 2 July 2020, was refused by notice dated 29 September 2020. The development proposed is change of use from agricultural building to dwelling (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While two people are stated on the application form, since only Mr C Griffith is named on the appeal form, the appeal proceeds on this basis as detailed in the header above.
3. The planning application form did not include a description of development, referring only to submitted comments. I have therefore taken the description from the appellant's appeal form which is similar to the description on the Council's decision notice.
4. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) states that the local planning authority may refuse a prior approval application where 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.

Main Issues

5. During the appeal the Council stated that it removes its reason for refusal on highway grounds. From the evidence before me I have no reason to disagree and I have assessed the appeal on this basis.
6. Therefore, the main issues are:
 - whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO;

- If so, whether or not prior approval would be required in accordance with the condition set out in paragraph Q.2 (1) (f) which relates to the design or external appearance of the building, of the GPDO; and

Reasons

Whether the proposal would be permitted development

7. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
8. The building consists of a steel structure with curved roof trusses and is open on one side. The appellant has stated that the building is used for agricultural storage, having been used as a grain and machinery store in the past. During my site visit I observed that the building was being used to store hay and it may have been first erected for an agricultural use.
9. However, paragraph Q.1 states that development is not permitted by Class Q if—(a) the site was not used solely for an agricultural use as part of an established agricultural unit—(i) on 20th 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 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.
10. I acknowledge the appellant's statement that the building was in agricultural use as part of a trade or business on 20th March 2013. However, there is little evidence before me to substantiate this claim or to demonstrate that it was used solely for an agricultural use on or before that date. While this issue was not raised part of a previous planning application, this in itself does not serve to demonstrate that this requirement has been met. I acknowledge the evidence regarding the ownership of the land, however given the lack of evidence to demonstrate the last use of the building, this matter has not altered my finding on this main issue.
11. Consequently, the proposed development would not comply with one of the limitations and restrictions specified as being applicable to the proposed development. Therefore, it does not benefit from deemed permission under Class Q.

Prior approval

12. Given my conclusion that the proposed change of use would not be development permitted under Class Q.1(a) of the GPDO, there is no need for me to consider whether the proposed change of use would be development permitted under Class Q.1(i) of the GPDO. It is therefore also not necessary for me to consider whether or not prior approval would be required in accordance with the condition set out in paragraph Q.2 (1) (f) which relates to the design or external appearance of the building, as it would not alter the outcome of the appeal.

Other Matters

13. While the Council has reservations regarding the Preliminary Bat Roost Assessment, Nesting Bird Survey And Great Crested Newt Scoping Survey which was submitted as part of the appeal, it has indicated that the reason for refusal relating to ecology can be addressed by a planning condition securing mitigation and enhancement measures. I still have a statutory duty to ensure species are protected, however as I am dismissing for other reasons, I need not consider this matter further. Even if I were to consider the mitigation is sufficient it could not add positive weight to the proposal.
14. I acknowledge the evidence regarding the Government's objective of significantly boosting housing supply. However, this matter does not override the above findings.
15. I acknowledge the comments of the Inspector for the case at Pepperidge Farm. However, since that case did not include a consideration of paragraph Q.1(a) of the GPDO, it is not directly relevant to this appeal. In any event, each case must be determined on its own merits.

Conclusion

16. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed through prior approval provisions set out under paragraph Q.2(1) of the GPDO.
17. The appeal is, therefore, dismissed.

R Sabu

INSPECTOR