
Appeal Decision

Site Visit made on 14 September 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/W3330/W/21/3276284

Barn, Meare Green, Hatch Beauchamp, TA3 5RQ

- 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 'GPDO').
 - The appeal is made by Miss Zoe Pring against the decision of Somerset West and Taunton Council.
 - The application Ref 47/21/0001/CQ, dated 12 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is change of use from agricultural building to dwelling house and associated building operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form, as none is given on the application form.
3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force. In light of this, I have sought the views of the main parties in writing and any comments received have been taken into consideration.
4. With the appeal the appellant has submitted amended plans showing the external flue omitted from the scheme. The Council has had the opportunity to comment on this and raises no objection to the submission of these plans. I am satisfied that the amended details do not substantially alter the development applied for and thus will make my determination having regard to them.

Main Issue

5. The main issue in this case is whether the appeal building would qualify for change of use to a dwelling under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with particular regard to (i) the use of the building, and (ii) whether works extend beyond the building envelope.

Reasons

6. The deemed permission granted by Class Q is subject to a number of limitations which are listed in Paragraph Q.1. The proposal must meet all of these in order to qualify as permitted development. This includes Paragraph

Q.1(a) which stipulates that the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 ('the relevant date'). Paragraph X defines 'agricultural building' to mean a building used for agriculture and which is so used for the purposes of a trade or business. Paragraph Q.1(h) requires that the development does not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Use of building

7. The appeal relates to a barn, set back from the road, and accessed via a gate. The barn is located with an enclosed yard area to the front, enclosed by fencing, with a number of paddocks nearby. The ground floor of the barn is divided into separate stalls/stables, with an open storage area above.
8. The position of the appellant is that the barn was solely in agricultural use on the relevant date, while the Council contends that it is not satisfied that this is the case. In support of the appellants position, they have provided statutory declarations. The appellant states that the land was purchased by the appellants parents in 1981 and that during the ownership, the whole of the land has been used for agriculture, having variously been let out to different farmers for grazing and at other times the land has accommodated the sheep of the appellants' father. During various times, it is stated that the land and the barn have been used for equestrian purposes, but that this has only been for brief periods.
9. The appellant sets out that during the period from 2008 to around the end of 2013, the land and barn was rented to a local farmer (the farmer), who used the land for grazing sheep, and the barn for storing feed and other agricultural items, as well as for sheltering ewes and lambs during lambing. The use of the site by the farmer was undertaken as part of his established agricultural unit.
10. In support of this, a statutory declaration has been provided by the farmer, confirming that prior to 2013, he offered grazing to a further individual (Ms B) for an "occasional week now and again".
11. There is reference to Ms B renting a stable from the appellant at the end of 2013, and that the use of the barn and land by this individual was for the grazing of horses.
12. In addition, various letters have been submitted in support of the appellants' case. The appellants' parents state that there have never been equestrian facilities at the site and there is reference to the tenant moving onto the site at the end of 2013, paying rent for grazing and the stabling of two horses. Further letters state that at the beginning of 2013 there were sheep grazing the land, as well as in 2001/2002.
13. In support of its position, the Council have provided a statutory declaration, that was submitted in respect of the previous application on the site, from Ms B. This states that horses were kept at the site from February 2007 until July 2018 and at no time were sheep or other livestock kept at the premises. This is corroborated by a letter from a nearby resident who confirms that during 2006 and early 2007 Ms B kept horses at the nearby Meare Court Farm, but that in February 2007 she left to rent the property at the appeal site. At the time, she had two horses of her own, plus two others in her care.

14. Additional letters confirm that Ms B's horses were present on the land from at least June 2012 until 2018, as well as attesting to Ms B taking in various horses for stabling, training, and livery purposes. These letters specifically refer to the site being "The Barn", rather than the nearby Meare Court Farm. One letter refers to having known Ms B for 7 years (letter dated July 2018), during the whole time of which Ms B rented the premises at The Barn.
15. There appear to be a number of inconsistencies in the information provided. The first statutory declaration of Ms Pring states the land and barn was rented to the farmer from 2008 until the end of 2013. It is further stated that between December 2013 and August 2018, the barn and land were rented to Ms B. A letter states that the farmer no longer required the land and barn, and that this was the reason for renting it out. However, in the statutory declaration from the farmer, it is clearly stated that Ms B used part of the barn, which was previously used by the farmer, with the farmer then using the upper floor of the barn to store hay and feed. The farmer stated that the stable door was always kept locked, and he rarely saw Ms B. This clearly indicates that both the farmer and Ms B were occupying the barn at the same time. As the farmer states that he left the site at the end of 2013, I find it likely that an overlap of occupancy existed at the relevant date.
16. While the appellant contends that Ms B's use of the barn and land was for grazing only, the evidence provided does not convince me of this. There is reference by parties to providing livery, training and stabling indicating that this was the business of Ms B, there is no evidence that convinces me that horses were kept by Ms B for the purposes of only grazing the land. It appears to me that the grazing was a resultant feature of the keeping of horses for other purposes, i.e., an equestrian use. There is nothing that convinces me that Ms B's use of the building and land was part of an agricultural business. It is also claimed that there was no storage taking place in association with Ms B's horses within the building, which I find unlikely.
17. There is reference to a possible illegal propagation operation taking place at the site, which it is contended comprised an agricultural use. However, if indeed such an activity was taking place and was in fact illegal, it cannot be taken to demonstrate or contribute to any lawful use of the building.
18. Overall, I acknowledge that there are different submissions made by the parties, including interested parties, as to the use that the land and in particular the building has been put to. In this case, the evidence is conflicting, and the consideration of the matters is finely balanced. Therefore, while I am mindful of all the material submitted, I find that the evidence convinces me that on the relevant date a mixed use, comprising of both agricultural and equestrian uses, subsisted.

Whether works extend building envelope

19. The appellant has submitted amended plans which omit a flue that was previously shown. It was on the basis of this flue that the Council contended that the development would extend beyond the external dimensions of the existing building. Whether or not this would be the case, the appellant has now removed this element from the appeal scheme. As I have stated above, I have considered the appeal on the basis of the amended plans and consider that the development is confined to within the existing building.

Conclusion

20. Whilst I have found that the conversion works would not extend beyond the existing building, I have also found that the building was not solely in agricultural use on the relevant date. Thus, the proposal would not be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
21. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR