



Appeal Decisions

Site visit made on 2 November 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/P2935/W/21/3278643

Land to East of Edgewell House Farm, Edgewell House Road, Prudhoe NE42 5PD

- 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, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Steve Underwood against the decision of Northumberland County Council.
 - The application Ref 21/01205/AGTRES, dated 17 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed is Change of use of an existing agricultural building and conversion to 1no. dwelling.
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Decision

1. The appeal is dismissed

Application for costs

2. An application for costs was made by Mr Steve Underwood against Northumberland County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building.
5. Schedule 2, Part 3, paragraph W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, 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.
6. The Council's contention hinges around uncertainty with regards to previous uses of the appeal site as they were of the view that there was insufficient evidence to demonstrate the development complies with the requirements of Class Q(a).
 7. The appeal building is a former milking parlour, the Milking House, set back from the main road in an elevated position close to the original farmhouse. It has the appearance of an agricultural building and was constructed around the 1940's from brickwork with corrugated roof and open void inside. Adjacent to the building is a separate residential house, The Granary. The farmland once associated with the farmstead is under separate ownership.
 8. As part of their submission, a sworn affidavit by the appellant informs that the occupants bought the property in 2015. It also states they have relied on the verbal account from the previous owner, Mrs Lowden, as evidence that the building was used for no other purpose.
 9. This is further substantiated by written evidence presented by the farmer of the adjacent farm and the written statements from those who stored caravans at Edgewell House Farm. They all explain they know of no other use of the building apart from agricultural.
 10. An additional letter from a joiner, Mr Chipchase, explains that he has first-hand knowledge of working at the adjacent Granary and the Edgewell House farmhouse. His letter confirms that the building has always been in agricultural use.
 11. However, a close neighbour to the site asserts that the building has been used for a number of uses other than agriculture. These include a vehicle restoration garage, a vehicle repair garage and joinery workshop. This is also corroborated by a sworn affidavit from a former neighbour who was a casual employee at the farm. He also names the previous occupants, including that of a joiner who ran his workshop from the building. His affidavit explains that his father wired the building for the purposes of an engineering workshop around the summer of 1987 and, from the period 1987 until 2002, it was not in agricultural use.
 12. This named joiner has also submitted a sworn affidavit confirming his occupation of the building as a joinery workshop within the Milking House from approximately February 2000 until September 2001. The affidavit includes the same names of former occupants of the building and purposes as listed in the affidavit from the previous farm employee. The affidavit sets out that he moved on to other premises due to electrical inefficiencies, occupying a local industrial unit.
 13. It has been pointed out by the appellant that the joiner's affidavit contains some discrepancies relating to precisely when he moved his business from the adjacent Granary building into the appeal site. This is due to circumstances relating to ownership of the Granary. However, from my reading of the affidavit, it is ambiguous as to whether or not it was Mr Lowden or Mr Lowe, who asked him to vacate the Granary. In any event, even with the issue of dates, there is substantial evidence presented from him, taken under oath, and

from other third party representations that substantiates his statement. I therefore apply significant weight to this.

14. Furthermore, even if there is information submitted by the appellant that demonstrates that the dates within his affidavit places him registered as subletting another unit, that would not preclude him from also having a workshop at the Milking House.
15. Although there is no evidence presented of a joinery company being registered to this appeal site address, or indeed any other business, a business can operate without formal registration. No financial statements relating to the conduct of business at the site have been forthcoming. However, the onus is not on those who have made third party representations to provide such information.
16. The affidavits submitted by the current owners confirm they have owned Edgewell House Farm for a relatively short period of time. No independent evidence has been submitted from the previous owner. The affidavit provides no certainty that the building was used for no other purpose other than agriculture. I can therefore apply only limited weight to the appellant's evidence with regard to the use of the Milking House prior to their purchase and occupation of Edgewell House Farm in 2015.
17. The accompanying site photographs may not demonstrate evidence related to vehicle repairs or joinery effects surrounding the building. However, they are only a specific snapshot in time, as too are the other aerial images supplied. Therefore, they cannot be used as credible evidence to support the proposal.
18. Even though there may be no evidence of Council records of an official change of use of the building, or evidence of complaints received to the Council, these intervening uses may have been carried out in an unauthorised capacity.
19. The letters submitted to substantiate the appellant's case include those closely associated with the farming industry. However, these are from owners of the adjacent farm, and their specific involvement or connections with the appeal site has not been demonstrated. I apply limited weight to their evidence.
20. As do I apply limited weight to the evidence presented by Mr Chipchase. Whilst he may be familiar with the farm history and he points out that he worked with the other joiner, it does not demonstrate he did not use the building as his workshop. No further information on the contrary has been substantiated by any additional joiners.
21. The evidence submitted by an electrical expert who confirms that the existing electrical supply is fit for the purpose of a joinery business is limited. An electrical upgrade could have been applied to the building since the joiner vacated it.
22. Evidence from those who stored caravans at the site is not sufficiently substantive to convince me that the building always remained in agricultural use, and is therefore of limited contribution.
23. Internally the building may have no plumbing or heat source although it would not preclude it from other uses apart from agriculture. The floor may be slanted with cattle excrement on the wall, but this only leads me to the view that it has had an agricultural past, and this fact is not disputed by the parties.

The purported smell of cattle in the building is a subjective matter and I apply limited weight to it.

24. In addition, the physical evidence within the building of work benches and shelving located in a corner area, and the body part of a vehicle I observed hanging in the rafters, goes some way to substantiate the evidence before me that the building has had an intervening use.
25. The appellant has stated that should the building have had another use as a caravan repair garage, the access into the building and manoeuvring caravans would be difficult. However, I reason that caravans and motor homes are available in vastly differing shapes and sizes. Without evidence to substantiate this claim, I apply limited weight to it.
26. The findings of another Inspector's decision brought to my attention by the appellant were drawn from the evidence before him. I too have come to my own decision based on the information presented to me, and the evidence I have seen on site.
27. The content of the affidavit cannot be accepted unquestioningly, nor too can the comments received from any of the third parties. However, in determining this appeal, the scope of the evidence presented calls into question the use of the building. The burden of proof rests with the appellant to demonstrate in accordance with paragraph Q.1(a) that the site has been used solely for an agricultural use as part of an established agricultural unit within the specified dates.
28. Without further evidence to substantiate the appellant's case, it cannot be concluded that its last use has been in agriculture. Therefore, bringing all matters together, based on the information presented and on the balance of probabilities, I therefore conclude that it has not been demonstrated that the proposal would comply with any conditions, limitations or restrictions specified as being applicable to the development in question in relation to the last use of the building. The proposal therefore does not constitute permitted development under Class Q.1 (a), Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Other Matters

29. Any complaints regarding the Council's service should be referred to them in the first instance and it is not within my scope to comment.

Conclusion

30. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal is therefore dismissed.

Alison Scott

INSPECTOR