



Appeal Decision

Site visit made on 30 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D1265/W/21/3279996

Barn 5, Hamlet, Chetnole, Sherborne DT9 6NY

- 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 Marble Green Property Ltd against the decision of Dorset Council.
- The application Ref WD/D/20/003119, dated 7 December 2020, was refused by notice dated 2 February 2021.
- The development proposed is change of use of an agricultural building to a two-storey single dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include a description of development. I have taken the description of development from the appellant's appeal form which is the same as that given on the Council's decision notice.
3. After the Council refused planning permission for the proposal subject to this appeal, planning permission was granted for the conversion of the adjacent individually Grade II listed 'Barn Immediately East of Maltings at Hamlet House' (known as Stone Barn) into a dwelling¹. I have considered the effect of the appeal proposal on the setting of Stone Barn both in the event that this permission for its conversion is implemented and in the event that it is not.

Background

4. The appeal relates to a large, modern, open fronted building of utilitarian design (the Subject Barn). Schedule 2, Part 3, Class Q of the GPDO permits development consisting of (a) 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); or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3.
5. Paragraph Q.1 (a) states that development is not permitted by Class Q if the site was not solely in agricultural use as part of an established agricultural unit (i) on 20th March 2013 (the Relevant Date). 'Established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture. The presence and extent of any agricultural use of the site on the Relevant Date is a matter of dispute between the main parties.

¹ Refs P/FUL/2021/00516 and P/LBC/2021/00517

6. Paragraph Q.2 requires developers to apply to the Local Planning Authority as to whether prior approval is required for a range of factors in (1) (a) to (f). This includes (e) whether the location or siting of the building makes it impractical or undesirable for the building to change to a use within Class C3 and (f) which refers to the design and external appearance of the building. The Council is concerned about the effect of the proposal on the setting of Stone Barn under the terms of Class Q.2 (1) (e) and (f). In my view, both apply to my consideration of the effect of the proposal on the setting of the listed building.

Main Issues

7. Therefore, I consider the main issues to be:

- whether or not the site was used solely for an agricultural use as part of an established agricultural unit on the Relevant Date; and
- the effect of the design or external appearance of the proposal and whether or not the location or siting of the Subject Barn makes it otherwise impractical or undesirable for it to change from agricultural use to a use falling within Class C3, with reference to the setting of Stone Barn.

Reasons

Relevant Date

8. There are conflicting accounts of the use of the Subject Barn on the Relevant Date. The appellant's evidence includes two statutory declarations to which I attribute significant weight, given that they provide sworn first-hand evidence.
9. The statutory declaration of Mr James suggests that agricultural storage was observed in the Subject Barn but that such use was occasional, with nothing substantive attributable to the Relevant Date itself. Very little of the content of the declaration is directly applicable to the Subject Building, but rather activity upon the land around it. On this basis, I do not consider that the concluding assertion that the barn was solely in agricultural use on the Relevant Date is adequately substantiated by the rest of the document.
10. The statutory declaration of Mr Clothier is also rather vague and offers little that can be applied with any conviction to the Relevant Date. It fails to identify the observed agricultural use of the Subject Barn to have been the sole use of the building, nor that such agricultural use formed part of any identifiable established agricultural unit. Other submissions received from supportive interested parties are equally lacking in depth in this regard.
11. On the other hand, a relation of the owner of the Subject Building at the time, one Isobel Cara MacColl, accepts a degree of agricultural storage but states that this was combined with domestic storage associated with the adjacent Hamlet House. I find this logical, given their intimate relationship and singular ownership at the time. As Isobel Cara MacColl was related to the occupants of Hamlet House, I have no reason to doubt that Isobel Cara MacColl would have visited the appeal site and personally observed the domestic storage.
12. Consequently, whilst the appellant's statutory declarations reveal their authors' belief that the Subject Barn was in agricultural use, I am not persuaded that they serve to establish that it was solely in agricultural use as part of an established agricultural unit on the Relevant Date under the terms of Class Q. It is more likely that the Subject Building was in a mixed use.

Stone Barn

13. Paragraph 189 of the National Planning Policy Framework states that heritage assets, such as Stone Barn, are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The given definition of significance provides that it derives not only from a heritage asset's physical presence, but also from its setting.
14. The significance Stone Barn derives from its setting is borne in part from its rustic agricultural environment, particularly to its north and east, away from Hamlet House. The Subject Building is larger than Stone Barn and very close to it. However, the discomfort this causes to Stone Barn is mitigated by the overt agricultural identity and lightweight, permeable form of the Subject Barn. This leads it to have a neutral role within the setting of the listed building overall, as does any typical farm machinery movements, activities and smells around it.
15. The somewhat disordered proliferation of openings as proposed would result in a crude conversion, leading the Subject Barn to exhibit a confused design identity. This would be exacerbated by its more substantial presence, given that it would be enclosed by new walls. For these reasons, the design and external appearance of the proposal would harm the setting of Stone Barn.
16. Residential use of the building would also diminish Stone Barn's agrarian setting. This would not be mitigated by locating the carport closest to Stone Barn, as parked domestic vehicles would add a further sense of domesticity to the scene. It follows that the location and siting of the Subject Barn in relation to Stone Barn make it undesirable for its use to change as proposed.
17. My attention has been drawn to an appeal where the setting of a listed building was considered². It is clear that there was a comparatively limited visual relationship between the heritage asset and the building subject to the appeal in that case, with the heritage asset also an historic farmhouse, not a barn. As such, it does not alter my opinion that the proposal before me does not meet the requirements of Class Q of the GPDO, for the reasons given above. The suggested social and economic benefits of the housing provision are also not germane to my assessment of the scheme against the provisions of Class Q.

Conclusion

18. Consequently, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

² Appeal Ref: APP/Y1138/W/19/3236350