
Appeal Decision

Site visit made on 20 December 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/V3310/W/21/3281613

Tynings Farm, Stone Allerton, Axbridge, Somerset, BS26 2NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Martin Taylor against the decision of Sedgemoor District Council.
 - The application Ref 15/21/00011, dated 21 April 2021, was refused by notice dated 15 June 2021.
 - The development proposed is change of use of agricultural building to 1no. dwelling and building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development.

Reasons

3. Part 3, Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO') requires, amongst other things, that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 ('the relevant date'), or 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.
4. The Council has explained how the appellant has previously shown that he was not employed in agriculture at the relevant date. Thus, there is uncertainty over the use of the building at this time.
5. A letter has been provided by a local farmer regarding the use of building. It describes the agricultural use of the building until the appellant took ownership in 2006 and since 2018. It explains that the local farmer has also used the building for agricultural purposes but does not give dates. The letter is not in the form of a statutory declaration or similar, but even if I were to take its contents at face value, it does not demonstrate agricultural use of the building on the relevant date.
6. Accordingly, it has not been demonstrated that the building was used for agriculture at the relevant date.

7. To benefit from the permitted development right, the proposal must also be a conversion rather than incorporating fresh build to the extent that it is effectively a rebuild. It has been shown that the supporting elements of this building are structurally sufficient to allow the conversion. However, remedial work in the form of shot blasting of the steel frame is required.
8. The Council's contention that shot blasting would, at least, require removal of all of the covering materials is not disputed. While the supporting documents demonstrate an intention to retain the roof covering, it is not, therefore, clear that this could be done in practice.
9. The removal of coverings would mean that during conversion works, the remaining building would be the steel frame and approximately half height block walls to two sides of the building. The work required to reform and complete an enclosed building from this somewhat skeletal form would go beyond that which could reasonably be described as a conversion.
10. It may well be that similar works have been deemed to be permitted development by the Council elsewhere. However, I have determined this appeal on the basis of the evidence, relevant to this proposal, before me. I, therefore, find that the proposal would not be permitted development.

Other Matters

11. The proposal would provide accommodation better suited to the appellant's wife's health and wellbeing. However, while I have had due regard to this, it cannot render a proposal permitted development that is not.
12. The Council's Decision Notice indicates that prior approval would have been refused as to the design or external appearance of the building. My conclusions on the main issue indicate that the prior approval matters do not fall to be considered. Nevertheless, as it forms a reason for refusal, I have considered this in the interests of completeness.
13. The GPDO permits the insertion of windows and doors to the extent that it is reasonably necessary for the building to function as a dwellinghouse. The proposal would insert a number of UPVC windows into the building, with a wood effect, intended to match with the wooden cladding. I understand that such has been allowed by the Council in other locations.
14. To some extent the building is screened from the nearby public highway by the existing dwelling, but its utilitarian agricultural form is still clearly visible through the site access. The proposed arrangement of windows and their proportions are clearly domestic. They do not respect the form of the building and would appear as an awkward architectural composition.
15. If it had fallen to be considered I, therefore, find that prior approval should have been refused as to the design or external appearance of the building. My decision, however, turns on the main issue.

Conclusion

16. For the reasons given, the appeal is dismissed.

M Bale INSPECTOR