



Appeal Decision

Site visit made on 1 February 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/N1730/W/21/3278777

Nyasaland, Crondall Road, Crookham Village, Fleet, GU51 5SU

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Chartfield Homes (Nyasaland) Limited against the decision of Hart District Council.
 - The application Ref. 21/00839/PRIOR, dated 19 March 2021, was refused by notice dated the 28 May 2021.
 - The development proposed is the conversion of the existing agricultural building into 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the change of use of agricultural buildings to dwellinghouses, subject to limitations and conditions. Paragraph Q.(a) permits the change of use of the building and land within its curtilage to a use within Class C3 dwelling house and part Q.(b) permits building operations reasonably necessary to convert the building to the use within Class C3.
3. Circumstances where development is not permitted are set out in paragraph Q.1 and the relevant clauses for this case (in general terms) are (a) where the site was not used solely for an agricultural use as part of an agricultural trade or business (i) on the 20th March 2013; (ii) when last used if it was not in use on that date; or (iii) if used after 20th March 2013 used for a period of 10 years.
4. A similar GPDO application was made in December 2020 and this was refused by the Council and a subsequent appeal was dismissed (APP/N1730/W/21/3270244). The Inspector concluded on the evidence presented that it had not been demonstrated that the site was solely used for an agricultural use as part of an established agricultural unit as required by Class Q.1(a). Moreover the Inspector noted in respect of part Q.1(i) that the Council now accepted that the existing barn was structurally sound and suitable

for the proposed conversion. In these circumstances this appeal centres on part Q.1(a).

Main Issues

5. The main issue is whether the proposal meets the requirements of Schedule 2, Part 3 Class Q of the GPDO so as to be permitted development, and if so whether prior approval should be granted.

Reasons

6. The evidence presented by the main parties is similar to that before the previous Inspector. I have considered the representations made and I have placed most weight on the Statutory Declaration of Mr Brian Whyatt (dated 20 December 2018) as that is sworn testimony.
7. The Declaration indicates that Mr Whyatt was aware of the premises at 'Nyasaland' from 1980 to 2015 when the then owner Mr Tiller vacated the property and moved into a care home. The testimony therefore covers the relevant date of 20th March 2013 and beforehand.
8. Much of the testimony covers the timber structure used as a workshop and the occupation of the mobile home, which are not relevant to this appeal. The testimony refers to the two 'barns' in paragraphs 10-1, one of which is the subject of the appeal, and refers to the use of some of the bays for keeping livestock and for storing winter feed until the last bull died in 2017. However, Mr Whyatt also recalls in paragraph 12 that "the remaining bays were used for storage purposes for both Mr Tiller and his friends, this included (but was not limited to), farm and landscape vehicles, equipment and machinery for industrial and commercial use over the years between 1982 and 2018."
9. This evidence does not make clear which of the two barns is being referred to. Moreover, it recognises that some non-agricultural activity took place in at least one of the barns. Therefore I have grounds to doubt that while the appeal barn is likely to have been in some use on the 20th March 2013 it was not used solely for agricultural purposes as part of an established agricultural unit.
10. I conclude that the development proposed is not permitted by virtue of part Q.1(a) (i) and (ii) as applying under Class Q.

Prior Approval

11. Given my conclusion that the proposal would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required.

Other matters

12. Local residents and groups also raise other objections to the proposal, including under the relevant provisions of the development plan and the appellant's possible long term aspirations for the site, but these are not matters that can be taken into account in an application to determine if prior approval is required under the GPDO.

Conclusion

13. For the reasons given above, and based on 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.

David Murray

INSPECTOR