
Appeal Decision

Site visit made on 15 December 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th January 2023.

Appeal Ref: APP/X3540/W/22/3295257

'Grimmers', Agricultural Barn south of Beccles Road (B1062), Mettingham, Bungay, Suffolk.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required 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 appeal is made by Mr James Servaes of Carlton House Farm Partnership against the decision of East Suffolk Council.
 - The application Ref DC/21/4472/PN3, dated 15 September 2021, was refused by notice dated 23 December 2021.
 - The development proposed is the notification for prior approval for conversion of agricultural building to dwellinghouse within Class Q(a) and (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. The appeal site comprises a single modern utilitarian farm building of steel portal frame with concrete panelling on the lower half and cement fibre sheet cladding to the top half. There is a modest concrete apron to the front and side of the building. To the south, is a cluster of five squat steel silos which are outside of the application site. The recent sales particulars provided by the Local Planning Authority (LPA) confirm that this is the limited extent of agricultural buildings at 'Grimmers' (described under Lot 3).
4. Schedule 2, Part 3, Class Q of the GPDO sets out that 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, is permitted development, subject to the prior approval by the LPA on specific matters. At the time the LPA made its decision on the appeal proposal, it was concerned that the permitted development rights under Class Q(b) were not available due to previously consented development within what it asserts is the 'established

- agricultural holding' and a matter of the cumulative floor area arising from three simultaneously submitted prior approval proposals by the appellant.
5. The issue of the cumulative floorspace threshold at paragraph Q.1(b) of the GPDO being exceeded is no longer germane following the LPAs separate determination that the two other applications were not capable of being developed under Class Q. It is now common ground that the cumulative floorspace issue is no longer relevant for this appeal.
 6. The GPDO paragraph Q.1(g) sets out that development under Class Q(b) is not permitted if development under Class A(a) or Class B(a) of Part 6 of the Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013. There is no dispute that the nearby Mettingham Castle Farm Yard complex has benefitted from two separate agricultural prior approvals¹ under Part 6 within the relevant time period. The nub of this appeal, therefore, is whether the appeal site at 'Grimmers' comprises the same established agricultural unit as Mettingham Castle Farm Yard.
 7. The GPDO provides a definition of "established agricultural unit" at Schedule 2, Part 3, paragraph X as meaning agricultural land occupied as a unit for the purposes of agriculture. The LPAs evidence includes that the two simultaneously submitted prior approval notifications at Mettingham Castle Farm Yard ('Castle') and St Johns were also submitted by the same appellant 'Carlton House Farm Partnership' (CHFP). I also find it informative that the recent sales particulars for the wider 'Carlton House Farm' incorporates the three sites (Grimmers, Castle and St Johns). This is confirmed in the map of 'Carlton House Farm' provided by the appellant in their final comments to the appeal.
 8. The appellant submits that whilst all three sites come under the wider umbrella of the operations of the CHFP they should nonetheless be treated as separate farms (agricultural units). The key reasoning for this is presented in the Holmes & Hills LLP letter of 8 December 2021, which is reaffirmed in the appellant's statement of case.
 9. It is submitted that all three sites are separate farms, supporting different farming operations. 'Grimmers' for wheat, 'Castle' for machinery and barley and 'St Johns' for oilseed rape. There is little evidence to support or corroborate this or to explain why an individual arable crop denotes a separate agricultural unit. It leans more to the fact that the three sites support a mix of arable crops, commonly farmed in rotation, on a single large arable farm. Furthermore, the appellant's evidence in the supporting planning statement describes 'Grimmers' as a redundant site previously used for fertilizer storage which is somewhat at odds with the limited evidence in the Holmes & Hills LLP letter. From all that I observed from visiting the three sites, 'Castle' would appear to be the main operational hub and the role of 'Grimmers', given the limited extent of the buildings and activity at the site, no more than a modest satellite facility.
 10. The fact that 'Grimmers' has its own Unique Property Reference Number (UPRN) and separate land registry title to that at Mettingham Castle Farm Yard is neither remarkable nor a persuasive indication that they are separate farm units. There is nothing before me to substantiate or explain why or how the

¹ References DC/15/3743/AGO and DC/18/2480/AGO

'Grimmers' site is treated differently for tax purposes compared to 'Castle' which would cogently explain why it should be regarded as a separate agricultural holding. Similarly, there is very little before me, and from what I observed on site, to indicate that 'Grimmers' supports its own dedicated workforce.

11. Whether or not the sites previously held separate Country Parish Holding numbers appears to have now been superseded by the business (CHFP) holding a single reference number for payments. Again, this limited evidence points more to a single, larger established agricultural unit at Mettingham, operated by CFHP. Furthermore, whilst I note the recent sales particulars divides 'Carlton House Farm' into 7 lots, which is not uncommon when selling a large established landholding, it nonetheless remains that the entirety of 'Carlton House Farm' is also presented for sale as 'a whole'. The sales particulars also describe 'Carlton House Farm' as an "exceptional arable farm" (singular). Furthermore, there is very little to demonstrate that the division of lots for the sale reflects distinct agricultural units. In any event, most of the 'Castle' complex site is in the same lot as 'Grimmers' (Lot 3 – denoted by the pale blue colouring). The appellant asserts that Lots 3 and 4 in the sales particulars are in separate ownerships but there is nothing before me to substantiate this or to explain why this would mean 'Grimmers' should be regarded functionally as a separate agricultural holding under the wider CFHP umbrella. Accordingly, the balance of evidence before me points to 'Grimmers' being in functional terms part of the same established agricultural unit as Mettingham Castle Farm Yard.
12. In geographical terms, 'Grimmers' is assessed by the appellant as being 1.3km as the crow flies from 'Castle' and 2.2km by road. These are relatively small distances. From the plan provided by the appellant, the two sites are only separated by five fields, all of which are part of the CHFP operation at Carlton House Farm. Looking at the map provided, 'Grimmers' is fully within the wider land holding farmed at Carlton House Farm, it is not a peripheral or separate site. Accordingly, and having regard to case law in *Fuller v Secretary of State for the Environment* (1988), I do not find the limited extent of geographical separation between 'Grimmers' and 'Castle' to confirm that they should be regarded as separate "established agricultural units".
13. I am also unable to reconcile the position reached by the appellant (paragraph 5.3 of their statement of case) that 'St Johns' and 'Castle' are not so clearly and demonstrably separated in the consideration of that prior approval proposal (reference DC/21/4488/PN3). The 'St Johns' site is only moderately closer to 'Castle' compared to 'Grimmers' and similarly separated by intervening parcels of arable farmland. Again, this all points to the wider 'Carlton House Farm' constituting a single, albeit large, established agricultural unit.
14. In light of all that I have read and observed, as a matter of fact and degree, and planning judgement, I conclude that 'Grimmers' and Mettingham Castle Farm Yard are within the same established agricultural unit. As such the proposal to convert the building to residential use would not constitute permitted development as set out in Class Q(b) given the previous agricultural prior approvals under Part 6 within the relevant time period.

Conclusion

15. For the reasons given above, I conclude that the proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO and, consequently, the appeal should be dismissed.

David Spencer

INSPECTOR.