



Appeal Decision

Site visit made on 8 February 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/V2635/W/22/3299907

Czar Trees, School Road, Terrington St. John PE14 7SG

- 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.
 - The appeal is made by Mr C Holden against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 21/01982/PACU3, dated 8 October 2021, was refused by notice dated 24 January 2022.
 - The development proposed is described as 'Notification for Prior Approval for change of use of agricultural barn/outbuilding to dwelling (Schedule 2, Part 3, Class Q) at Czar Trees, School Road, Terrington St John, Wisbech, Norfolk'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates this is an appeal against a refusal of planning permission when the original application to the Council was made under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). I have dealt with the appeal as against the Council's decision to refuse prior approval.
3. I have amended the spelling of "Czar" from the address on the application form to that shown on the appeal form. There was no description of development on the application form. I have therefore used the description of development from the appeal form, which is consistent with the Council's decision notice.
4. The Council has provided copies of agreements between the parties to extend the notification period for the determination of the application. I proceed to determine the appeal on that basis.

Main Issue

5. The main issue is whether the development is permitted by Schedule 2, Part 3, Class Q of the GPDO.

Reasons

6. Development is not permitted by Schedule 2, Part 3, Class Q of the GPDO if the site was not solely used for an agricultural use as part of an established agricultural unit on 20th March 2013 or when it was last in use.

7. The evidence submitted by the appellant confirms that part of the barn was being used for livery storage between 2000 – 2019 as well as storage of food and chickens. However, since this time the building has been damaged, and it has not been used for storage of animals or food
8. Whilst it appears that the building's last use was partly agricultural, the livery storage element means that it was not solely in agricultural use on the required date, or indeed when it was last used. Accordingly, the proposal does not comply with the conditions of Schedule 2, Part 3, Class Q of the GPDO and does not comprise permitted development.
9. Given my conclusion, it is not necessary or appropriate for me to go on to consider whether the proposed building operations would be reasonably necessary to convert the building or whether prior approval is necessary.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

J Downs

INSPECTOR