



Appeal Decision

Site visit made on 25 July 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/C1625/W/23/3317277

Hop Yard Farm, New Road, Wotton-under-Edge, Gloucestershire GL12 8JP

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Mike Cromie against the decision of Stroud District Council.
- The application Ref S.22/2221/P3Q, dated 11 February 2021, was refused by notice dated 1 December 2022.
- The development proposed is conversion of barn into three-bedroom detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.

Background and Main Issues

3. Class Q of the General Permitted Development Order (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building. The application includes details of both the change of use and the building operations proposed.
4. In determining the appeal application, the Council's fourth refusal reason related to whether the site was occupied under an agricultural tenancy, and if so whether the express consent of both the landlord and the tenant has been obtained. This is necessary for compliance with GPDO criteria Q.1(e). Subsequently, the Council has confirmed that agreements between the appellant and another party are licences not tenancies. As such, it does not seek to defend this fourth reason for refusal. I see no reason to disagree and so need not consider this matter further.
5. At appeal stage, the Council also questions whether the proposal meets the tests of GPDO Class Q paragraph Q.1 (a) and the definitions of 'agricultural building' and 'established agricultural unit' in paragraph X (Interpretation of Part 3). This goes to the heart of whether the proposal would comply with the GPDO, and the appellant has commented on this. As such, this must also form part of my consideration of the proposal.

6. Therefore, the main issues are whether the proposal complies with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to:
- its definitions of an 'agricultural building' and 'established agricultural unit', and
 - whether it would exceed the external dimensions of the existing building.

Reasons

Whether the unit and building are agricultural

7. Development is not permitted by Class Q.1(a) of the GPDO if the site is not used solely for an agricultural use as part of an established agricultural unit. The Council suggests that use of the unit for non-agricultural purposes, namely equestrian uses, means that the proposal would not meet this requirement.
8. The unit has the benefit of an agricultural holding certificate, and the appellant keeps sheep on the fields, as I saw from my visit. There is an informal grazing agreement with another party to introduce sheep to the unit when there is surplus grass. However, the unit has an equestrian all weather surface and the appellant states that the pony club sometimes has use of parts of the site, utilising mobile equestrian equipment.
9. If the equestrian use were not incidental to the agricultural use of the site, then the permitted development rights under GPDO Class Q would not apply. However, the evidence before me is that the pony club use is only occasional, for up to eight times a year, and only uses part of the unit. Furthermore, the mobile equipment when left out does not impede use of the fields by sheep. Given the limited extent of the equestrian use of the site, as a matter of fact and degree, I consider that this amounts to an incidental use, with the primary use being agricultural.
10. The appeal building itself is used for the storage of fencing poles and other agricultural paraphernalia. The fencing is essential for the safe keeping of livestock and requires regular maintenance. The Council has recorded a small tractor being parked within the building. As such, I have little reason to doubt that the barn is used for agriculture as part of the wider site. For these reasons, I conclude that the proposal would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to its definitions of an 'agricultural building' and 'established agricultural unit'.

External Dimensions

11. Paragraph Q.1(h) of Schedule 2, Part 3, Class Q of the GPDO states that development is not permitted if it would result in the external dimensions of the building extending beyond those of the existing building at any given point. The onus is on the appellant to demonstrate compliance with the conditions of the legislation, including Paragraph Q.1(h).
12. The proposal includes the provision of a bird box on side elevation AA and a bat box on elevation BB, together with bin and bike storage containers. The bird and bat boxes may well be bolt-on additions, but they would nevertheless be attached structures that would exceed the external dimensions of the building.

They would not be reasonably necessary for the building to function as a dwellinghouse and so would not comply with GPDO Paragraph Q.1(i)(i), which limits the extent of building operations in this respect.

13. In addition, the plans submitted showing the appeal building as existing and proposed are hand-drawn, and the Council has identified discrepancies between these plans. I have found the same. As such, taken at face value, the plans show that the proposal would result in increases, albeit small, in the external dimensions of the building.
14. Furthermore, Section Details A and B show the proposed installation of render and cladding material to two elevations of the building. This may not exceed the footprint of the building, for instance because of the position of guttering. However, cladding is proposed on all four sides, and I have very little detail about the cladding to side elevation CC, or the extent of any resultant protrusion beyond the existing building, including its lower recessed section.
15. For the reasons given above, I cannot be satisfied that the proposal would not result in the external dimensions of the building being exceeded. The Council may have been inconsistent in its approach to this issue during previous applications¹. However, I have determined the appeal based on the merits of the proposal before me. Consequently, the proposal would not comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to whether it would exceed the external dimensions of the existing building.

Other Matters

16. The Council's second and third reasons for refusal refer to whether the building operations proposed are reasonably necessary to convert the building, and whether any contamination risks have been adequately assessed. However, I have found that the proposal does not comply with the description of permitted development. As such, it does not benefit from these rights under Schedule 2, Part 3, Class Q of the GPDO and so I do not need to consider these matters further.

Conclusion

17. For the reasons given above, and taking into account all other matters raised, the appeal is therefore dismissed.

O Marigold

INSPECTOR

¹ LPA references S.21/0362/P3Q and S.21/1757/P3Q