



Appeal Decision

Site visit made on 31 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/D0840/W/22/3307510

Steppes Farm, Access To Steppes Farm, Advent, Camelford, Cornwall PL32 9QW

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Briggs against the decision of Cornwall Council.
 - The application Ref PA22/05832, dated 23 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is change of use of an existing agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst two applicants are shown on the planning application, the appeal has been made in Mrs Briggs name and it proceeds on that basis.
3. The description of development set out above has been taken from the appeal form, which is consistent with the Council's decision notice. The Council determined the proposal on the basis of the description in the appeal form and I will do the same, save for omitting the words 'prior approval for proposed' and 'under Class Q (A and B)', as these do not refer to an act of development.

Background and Main Issue

4. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended) (GPDO) sets out that development is classed as permitted development if it consists 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 Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.
5. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and, subject to compliance with conditions, as set out under paragraph Q.2. The Council has not raised any issues in respect of paragraph Q.2, and I have no reason to disagree.
6. In this case, the Council has raised an issue in relation to the exclusion in paragraph Q.1(a) of the GPDO. Paragraph Q.1 of the GPDO states that development is not permitted by Class Q if (a) the site was not used solely for

an agricultural use as part of an established agricultural unit – (i) on 20 March 2013, or (ii) 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, or (iii) in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins. Based on the submitted details, for the purposes of this appeal, the relevant date is 20 March 2013.

7. Against that background, the main issue is whether the proposed development would be permitted development under the provisions of Class Q.1(a) of the GPDO, with particular regard to whether the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

Reasons

8. The appeal property is a timber framed building clad with vertical timber boards above a concrete block wall. Double doors at either end provide access. During my site visit I saw that the building was laid out with stables, some of which were used to store small implements and hay. Part of one side of the building was also used for storing hay.
9. It is for the appellant to demonstrate that on the relevant date (20 March 2013), the site was used solely for an agricultural use as part of an established agricultural unit, in compliance with Paragraph Q.1(a).
10. 'Agriculture' is defined in Section 336 of the Town and Country Planning Act 1990 (as amended) and includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
11. Schedule 2, Part 3, paragraph X of the GPDO further sets out that for the purposes of Part 3 permitted development rights, 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and 'agricultural use' refers to such uses. 'Site' is defined as 'the building and any land within its curtilage' and 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture.
12. The Council considers that the site has been used for equestrian purposes. This is based on a recent site visit when the building was being used for equestrian purposes and having noted the building is laid out with stabling. The Council also consider that any storage within the building related to the equestrian use of the site rather than an agricultural use. However, this is in itself of limited significance to the relevant period.
13. I have also carefully considered the appellant's evidence, which includes a holding registration letter dated 7 May 2008, several photographs of hay making, a photograph said to be of hay stored in the building and dating to 27 August 2007, a photograph of a tractor, details of a transaction for hay sold on 4 October 2021 and 2 September 2022 and copies of invoices for machinery and implements purchased in 2007, 2015 and 2016.

14. I have no reason to question the validity of those documents. However, insofar as they relate to the appeal site, the holding registration letter has not been accompanied with any details or drawing showing the extent of the holding, and whether or not it encompassed the appeal building within the unit. Moreover, whilst I note that the activities that would have taken place at the farm around 2013 would have related to the cutting and making of hay, there is little substantive details of how those activities related to the appeal building and whether it was in use for those or any agricultural purposes during that time. Other than the storage of hay within part of the building, there was limited visible evidence that the building was related to agricultural activities that would have persisted around 2013.
15. The Council refer to planning permission for an exercise yard, which was granted permission in 2010, and refer to other equestrian activities at Steppes Farm. Whilst the appellant advises the exercise yard was applied for by her daughter and these activities did not relate to the appeal site, it still adds uncertainty over the use of the site having regard to the evidence available.
16. The Local Planning Authority may refuse an application, under paragraph W of the GPDO, where the developer has provided insufficient information to establish whether the development complies with any conditions, limitations or restrictions in Part 3. The burden of proof is on the applicant and in this case, on the basis of the evidence before me, I find that there is uncertainty as to whether the site complies with the requirements of the GPDO Schedule 2, Part 3, paragraph Q.1(a).
17. As such, for the reasons outlined above, in this respect, I do not consider that the building meets the requirements of paragraph Q.1(a).

Other Matters

18. The appellant has referred to a number of appeal decisions. I have not been provided with specific details of those schemes. I am unable therefore to make any meaningful comparison between the proposals and those cases have been determined on the basis of the evidence in each case, which are likely to have circumstances that would not be the same as this appeal proposal. I have considered this appeal on its own merits and concluded that it would not be permitted development for the reasons set out above.
19. The appellant refers to a range of matters relating to the suitability of the conversion that are not at issue in this case. They do not weigh either for or against the appeal decision, nor do they assist in addressing the determinative issue in this case.

Conclusion

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

J White

INSPECTOR