



Appeal Decision

Site visit made on 19 December 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2024

Appeal Ref: APP/J3720/W/23/3324359

Barn To East of Byfield Road, Priors Marston

- 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 D Umbers against the decision of Stratford-on-Avon District Council.
 - The application Ref 23/00263/COUQ, dated 27 January 2023, was refused by notice dated 15 March 2023.
 - The development proposed is described as 'Prior approval notification for conversion of one agricultural unit to one dwelling and associated operational development under Class Q(a) and Class Q(b)'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form did not contain a description of the proposed development, I have therefore used the description on the Council's decision notice, which is also used on the appeal form.

Background and Main Issues

3. Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building and land within its curtilage from an agricultural use to a use falling within use class C3 (dwellinghouses). Class Q also allows building operations reasonably necessary to convert the building to a dwellinghouse use, subject to various clauses and conditions, including a requirement for an application to be made to the local planning authority as to whether prior approval is required on various matters before beginning the proposed development.
4. The main issues are whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with reference to previous works; and if so, the effect of the proposal on protected species, specifically barn owls.

Reasons

5. The appeal site lies beyond the built-up part of the village of Priors Marston and is bound by agricultural land. It consists of an agricultural building which comprises a portal framed structure with a pitched roof and a lean-to section to the side elevation. There is no dispute relating to the agricultural nature of the

barn, which at the time of my site visit was in use for the storage of agricultural machinery.

6. The submissions indicate that, whilst the steel frame has been retained, the building has been subject to recent alteration works including a new roof, installation of new block and brick walls with timber cladding above, and a concrete floor. The Council consider that these works constitute development as defined by s55 of the Town and Country Planning Act 1990 (as amended). From my observations on site, it was apparent that the works are extensive and have significantly altered the external appearance of the building. In my view, they would go beyond works of 'maintenance, improvement or other alteration' and as such would not be exempted from the meaning of 'development' under s55(2)(a).
7. Article 3, Schedule 2, Part 6, Class A (a) of the GPDO specifically allows development on agricultural land including works for the erection, extension or alteration of a building which are reasonably necessary for the purposes of agriculture within that unit. I note the appellant's assertion that the alterations that have taken place fall within the scope of that permitted under Part 6 and there is no requirement for further prior approval to be sought for the work.
8. Nevertheless, there is no indication as to the reasons behind the alterations to the building or that they were reasonably necessary for the purposes of agriculture within that unit. In the absence of any clear evidence of such it has therefore not been demonstrated that the work that has occurred would meet the limitations set out in Part 6, Class A of the GPDO and would constitute permitted development and would be lawful on that basis.
9. Moreover, given the lack of any obvious purpose of the previous work in connection with agriculture within the unit, the alterations that have been carried out appear to facilitate work to convert the building to a dwellinghouse, rather than being reasonably necessary for the purposes of agriculture. Consequently, as set out in Article 3 paragraph (5) (a) of the GPDO, the permission granted by Schedule 2 does not apply.
10. Furthermore, as the works to convert the building have commenced in advance of an application to the local planning authority for a determination as to whether the prior approval of the authority will be required, the proposal would fail to accord with paragraphs W. (11) and Q.2 (1) of the GPDO. For these reasons, I conclude that the proposal would not benefit from the permitted development provisions under Class Q of the GPDO.
11. As I have concluded that the proposed development would not be permitted development under Class Q it is not necessary for me to consider the impact on protected species.

Other Matters

12. My attention has been drawn to recent appeal decisions at Stockhall Farm and Lower Lodge Farm¹ which relate to the extent of building works proposed. However, given my findings in relation to the first main issue, those cases are not directly comparable to the appeal currently before me.

¹ APP/X1545/W/17/3177356 and APP/J3270/W/17/3179581

Conclusion

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

E Worley

INSPECTOR