



Appeal Decision

Site visit made on 18 January 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/M9496/W/23/3325415

Ladywash Farm, Edge Road, Eyam, Derbyshire S32 5QN

- 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 R of The Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Beeden against the decision of Peak District National Park Authority.
 - The application Ref NP/GDO/1222/1606 dated 21 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is the change of use from agricultural building to Class C1 Hotel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.
3. Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) permits development consisting of a change of use of a building to a flexible use, which includes Class C1 (hotels). Development is not permitted by Class R in a number of circumstances where are listed at R.1. Amongst other restrictions, development is not permitted if the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres.
4. The principle of development is established by the GPDO, and the relevant provisions do not require regard be had to the development plan. I have only had regard to the referenced development plan and the National Planning Policy Framework (the Framework) insofar as they are material considerations relevant to the matters before me.

Main Issues

5. The main issues are:
 - Whether the appeal building comprises of an agricultural building and can benefit from permitted development rights under Schedule 2, Part 3, Class R of the GPDO;

- Whether the proposal would exceed the cumulative floor space limit of 500 sqm; and,
- Whether sufficient information has been provided to demonstrate the proposal complies with the relevant conditions to be permitted development under Schedule 2, Part 3, Class R of the GPDO.

Reasons

Agricultural Building

6. It is clear from the submissions before me that the building in question was used solely for agricultural use as part of an established agricultural unit on 3 July 2012. The Authority does not however consider the building is currently in use for an agricultural trade or business, and thus is not an agricultural building which would benefit from the provisions of Class R of Part 3 of Schedule 2 of the GPDO.
7. The presence of agricultural machinery stored in the appeal building is not conclusive that it is being used as part of an agricultural trade or business, but the appellant has however referenced the presence of livestock which I was able to see at the time of my visit. The Farm's Rural Payments Agency Small Business Identifier reference number has also been provided which indicates that there is a farming business at the appeal site.
8. As such, based on the evidence before me, I consider the appeal building does comprise of an agricultural building that can benefit from permitted development rights under Schedule 2, Part 3, Class R of the GPDO.

Floorspace

9. The appeal building comprises of a two-storey modern agricultural building. The Authority has provided measurements of around 281 sqm and 268 sqm for each of the two floors, giving a total Gross Internal Area of 549 sqm. The appellant provides a total internal floorspace measurement of 366 sqm which has been calculated by excluding the void areas at the lower ground floor level¹.
10. Whilst reference is made by the appellant to the head height of the excluded area of the building being too low to make it a usable space, the slurry pits have the same floor level as the remainder of the lower ground floor. The floor to ceiling height, based on the submitted cross section plan is said to be 2.77m. The proposed floor plan extract also identifies part of the void areas as space that would be used as part of the hotel.
11. Although the GPDO in defining a building does make reference to it including any part of a building, the more relevant definition from the GPDO is that of "floor space" which defines it as being the total floor space in a building. The slurry pits² are within the overall structure and form part of the appeal building. As such, the whole floor space should be taken into account in the calculation of floor space, which in this instance would be of a building with more than 500 sqm of floor space.

¹ The appellant references the void area as being on the ground floor but for consistency each of the two floors are referenced as shown on the submitted plan ref: PA – PL – 203 with the lower floor identified as 'lower ground' floor

² referenced as Underground Open Bunkers on the submitted plan ref: PA – PL – 203

12. I therefore conclude that the proposal would exceed the cumulative floor space limit of 500 sqm.

Sufficient Information

13. The Authority's third reason for refusal cited the lack of information on the proposed hotel use. Given my conclusion above that the development would not meet the requirement in paragraph R.1 (b) relating to the floor space limit, and therefore would not be permitted development, there is no need for me to consider this further.

Conclusion

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

F Rafiq

INSPECTOR