



Appeal Decision

Site visit made on 10 January 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/Y3940/W/23/3325021

**The Stables, New Manor Farm, Pitton Road, West Winterslow, Wiltshire
SP5 1SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 Alex Jowett against the decision of Wiltshire Council.
 - The application Ref PL/2023/01827, dated 6 March 2023, was refused by notice dated 18 April 2023.
 - The development proposed is described as the "Conversion of existing building into a 2 bedroom residential dwelling. The building is sited close to the road side and has adequate parking and amenity area for the dwelling."
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO) for the "Conversion of existing building into a 2 bedroom residential dwelling. The building is sited close to the road side and has adequate parking and amenity area for the dwelling." at The Stables, New Manor Farm, Pitton Road, West Winterslow, Wiltshire SP5 1SE in accordance with application Ref PL/2023/01827 dated 6 March 2023 and the details submitted with it pursuant to Schedule 2, Part 3, Paragraph Q. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the 2015 GPDO and the provisions specified in paragraph W.

Main Issues

2. The main issues are:
 - whether the prior approval application was made 'before beginning the development' as required by Condition Q.2 (1) and Paragraph W (11) of the GPDO, and
 - whether the proposed development would constitute permitted development in respect of Class Q (a) and paragraph Q.1 (a) with particular reference to the use of the building.

Reasons

3. The appeal site includes an existing brick and timber building within a range of farm buildings and main farmhouse associated with New Manor Farm.

Whether development has commenced

4. The Council contends that works to convert the building into a dwelling have commenced and as such the proposal does not comply with the requirements of Condition Q.2 (1) and Paragraph W (11) of the GPDO.
5. Based on the evidence before me and my observations, some works appear to have been carried out to the building in recent years including replacement doors, replacement boarding of window openings and minor internal works including works to the walls and floor. The appellant contends that these works were required to ensure that the building remained sound and watertight to provide a dry, safe environment for items stored therein.
6. The works which have taken place are relatively modest and commensurate with the routine maintenance of the building. The alterations to the floor and walls only affected the interior of the building and the minor alterations to the exterior did not materially affect its external appearance. As such I do not consider that the works which have been carried out constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended).
7. Therefore, the works undertaken were not done so under Class Q of the GPDO and are not contrary to Paragraphs W(11) and Q.2(1). As such, the proposal would benefit from the provisions under Class Q.

Use of building

8. The Council contends that the appeal site was not solely used for an agricultural use, as part of an established agricultural unit, on 20th March 2013, nor that it was last in use solely for an agricultural use, as part of an agricultural unit and as such the proposal is not permitted development in respect of Class Q (a) or paragraph Q.1 (a) of the GPDO.
9. The building was historically used as a stable for working horses, and more recently use as a place to nurse sick animals. The building is currently used as a general store for items used in connection with the running of the farm, including logs which the appellant states are for use in the adjacent estate office. There is no substantive evidence before me that the building has been used for purposes other than agricultural use in connection with New Manor Farm. This view is supported by Statutory Declarations made by individuals which were submitted with the application. I am therefore satisfied that the building was in agricultural use on 20th March 2013 and this use is ongoing, although the nature of that use has changed over time.
10. The building is in different ownership than the majority of the farm. However, although ownership has been severed from the remainder of the farm, it has not been functionally severed. The change in ownership did not, in itself, alter the use of the building, nor the fact that it is used as part of an established agricultural unit (New Manor Farm).
11. For these reasons the proposal would constitute permitted development in respect of Class Q (a) and paragraph Q.1 (a) with particular reference to the use of the building.

Other Matters

12. The conditions set out in paragraph Q2(1) (a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to these matters.
13. Based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters. Therefore, the proposal would comply with these other matters to be considered under Class Q.
14. The appeal site is located within the zone of influence (ZOI) for the Solent Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. New residential development in this ZOI is likely to have a significant effect on these areas/sites through increased nutrients in the river system. The Council's submitted evidence suggests that mitigation would be required.
15. The grant of planning permission under Article 3(1) of the GPDO is subject to the provisions of the GPDO for each class of development and compliance with regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat before the works can be undertaken as permitted development. This includes a separate application to the Council under regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment and, depending on the outcome, this would determine whether, in terms of that matter, the scheme could be undertaken as permitted development under the GPDO.
16. Based on the evidence before me, it does not appear that an application to the Council under regulation 77 has been made. However, as the regulation 77 application can be submitted and potentially approved after the granted of prior approval, it is not determinative in respect of the main issues that I have examined and, therefore, I do not need to consider this matter further as part of this appeal.

Conditions

17. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years, as well as the provisions of paragraph W., including paragraph W (12) which requires development to be carried out in accordance with the details submitted.
18. The Council has not suggested any conditions which it considers should be attached to any permission and I do not consider any further conditions to be necessary.

Conclusion

19. For the reasons given, I conclude that the appeal is allowed, and prior approval is granted.

E Pickernell INSPECTOR