



Appeal Decision

Site visit made on 20 February 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th March 2024

Appeal Ref: APP/P0240/W/23/3325457

Well Cottage, Featherbed Lane, Chalgrave, Central Bedfordshire LU5 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 D Westcott against the decision of Central Bedfordshire Council.
 - The application Ref is CB/23/00940/PAAD.
 - The development proposed is prior approval of change of use of agricultural building to dwelling: conversion of barns to 4 dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule subject to limitations and conditions, as set out at paragraphs Q1 and Q2.
3. These include that development is not permitted by Class C if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. Further, before beginning the development the developer must apply to the local planning authority for prior approval of the authority as to a number of matters, including: paragraph Q.2.(1) (a) transport and highways impacts of the development.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 3, Class Q do not require consideration of the development plan.

Main Issue

5. The main issue is whether or not the proposed development would constitute permitted development in respect of Class Q(a) and Q(b) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reasons

6. In relation to paragraph Q.1, the only issue raised by the Council is in relation to the exclusion in paragraph Q.1(a). I have no reason to take a different view in terms of there not being any other relevant exclusions for consideration. On that basis the question is whether the site was being used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.
7. The appeal site comprises three buildings arranged around a parking courtyard adjacent to Well Cottage, an existing residential dwellinghouse. At the site visit I observed that Plots 3 and 4 have the appearance of single storey modest blocks whereas plots 1 and 2 are within a two-storey building which has the appearance of a traditional barn with large central doors. There is grazing land surrounding the appeal site. I also observed that what appeared to be temporary metal fencing had been erected around the garden of Well Cottage to allow sheep to graze. However, this surrounding land largely falls outside of the appeal site boundary.
8. While I accept that there appears to be agricultural use on the land surrounding the appeal site, there has been very little information provided about the use of the three individual buildings themselves.
9. For Part 3, paragraph X states that "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.
10. The design and access statement indicates that the buildings have been used as a pig farm since 2006. However, there is insufficient evidence to substantiate that claim. Certainly, the buildings do not currently house any livestock and it is unclear whether or not the appeal site and specifically the three buildings have been used solely for agricultural use.
11. I observed at the site visit that currently the buildings are mainly unused but do provide some limited storage space for some items. Moreover, the fact that the buildings have been used for storage in the past is supported by the structural adequacy report prepared for the appellant which highlights that the two-storey barn (referred to as Barn C in the report) was at that time (September 2021) used for storage. That of course does not mean that definitively the site was not solely used for agricultural use on 20 March 2013, but there was nothing I observed at the site visit to support that it was used for that use at that time. It is therefore necessary to consider other evidence.
12. I have taken account of certain invoices dated between 2006 and 2010 and also some DEFRA records and other paperwork and correspondence, including with the rural payments agency. However, these do not provide sufficient evidence to persuade me that pigs or any other livestock have been accommodated in the appeal buildings themselves. In fact, the food chain information paperwork confirms that the pigs that related to that document were born and reared outdoors. Furthermore, the submitted documentation does not provide compelling evidence to indicate that the three buildings on the appeal site were being used solely for any other agricultural use as part of an established agricultural unit on 20 March 2013 as required by the GPDO.
13. I have also taken account of the Planning Officer's Delegated Report. This sets out that the appeal buildings differ significantly from the buildings which were

on site in 2007-2010 which they estimate were altered after that date. This is consistent with the subsequent lawful development certificate (LDC) process which was granted on the basis that the works had been substantially completed for a period of at least four years before the date of the LDC application. However, again the fact that a LDC has been granted does not provide sufficient evidence to persuade me that the buildings were being used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

14. I accept that the permitted development process is not intended to provide confirmation of the lawfulness of a particular use. However, a prerequisite of Schedule 2, Part 3, Class Q of the GDPO is that the site, (including the three buildings) was being used solely for agricultural use as part of an established agricultural unit on 20 March 2013. For the above reasons, there is insufficient evidence for me to be satisfied that was the case. As a result, the proposed development would not be permitted development under Class Q of the GPDO.
15. Consideration of the prior approval matters under paragraph Q.2 of the GDPO is only relevant if the development is permitted under paragraph Q.1. Given my finding that the development would not be permitted, it is unnecessary to consider the prior approval matter in relation to transport and highways impacts of the development.

Conclusion

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

S Rawle

INSPECTOR