



Appeal Decision

Site visit made on 16 April 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/R2520/W/23/3333022

Barn adjacent to Springwell Barn, Beck Street, Digby, Lincoln LN4 3NE

- 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) (GPDO).
 - The appeal is made by Mr I and Mrs R Moor on behalf of A Moor & Sons Limited against the decision of North Kesteven District Council.
 - The application Ref is 23/0362/PNND.
 - The development proposed is conversion from agricultural building to dwelling (C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q(a) of the GPDO permits development consisting of a 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), and under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to certain criteria, and circumstances where development is not permitted are listed under Paragraph Q.1.
3. At Q.1.(a) the GPDO states development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th 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 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.
4. In the header above, I have used the description of development provided on the appeal form since this more accurately reflects the nature of the proposal within the context of the provisions of the GPDO.

Main Issue

5. Having regard to the above, the main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the building was used solely for an agricultural use as part of an established agricultural unit at the relevant date.

Reasons

6. The appeal building is a large, steel portal frame store with brickwork and profile metal sheet cladding. Its appearance is typical of an agricultural building. The building sits between two dwellings within a gravelled courtyard which serves as a parking area. To the side and rear of the building are the gardens of the adjacent dwellings. A shared access connects the courtyard to Beck Street, and the site is within the built area of the village.
7. As discussed above, Part 3, Class Q applies to buildings used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. For the purposes of Part 3, paragraph X of the GPDO defines an “established agricultural unit” as agricultural land occupied as a unit for the purposes of agriculture. I consider that to satisfy this definition, the building should be sited within the geographic extent of the agricultural unit.
8. The appellant is the occupier of adjacent dwelling, Springwell Barn, which was converted to a dwelling in the early 1990s and therefore was in residential use on 20 March 2013. The construction of the appeal building pre-dates Springwell Barn’s conversion.
9. The site location plan shows the appeal site boundary comprises the footprint of the building. The secondary boundary showing other land owned by the appellant encompasses Springwell Barn, its garden, and the courtyard, and does not include land in agricultural use. The site location plan and arrangement of the dwelling’s garden land suggests the appeal building has no curtilage of its own but is surrounded by land comprising residential curtilage.
10. The appellant operates a longstanding agricultural business which is registered to the Springwell Barn address. The appellant confirms that agricultural land beyond the rear boundary of Springwell Barn’s garden is not within their ownership or control, and indicates their agricultural unit is located around 300m to the east. Therefore, the building is remote from the agricultural unit.
11. The insurance broker’s letter confirms the building is insured for purposes relating to the farm business’s activities. However, this does not demonstrate it is sited within an agricultural unit.
12. A fence and gate span the gap between the appeal building and Springwell Barn, which separates the dwelling’s garden from the parking courtyard. Doors in the side elevation provide direct access to the appeal building from the garden area of Springwell Barn. Therefore, there is a clear relationship between the dwelling and the appeal building.
13. The appeal building is used for occasional crop storage, and at time of site visit, the main floor area of the appeal building was in use for the storage of large items of farm machinery. The rear of the building provides facilities for washing of farm laundry, and an internal room serves as an office and workshop space. The majority of the building’s floorspace was in use for agricultural purposes.
14. However, the building also contained domestic items, including household appliances, sporting equipment, and garden furniture, and appeared to also fulfil the purposes of a building incidental to the enjoyment of the dwelling. Whilst domestic storage is not itself evidence of a material change of use, it illustrates the relationship of the building to the dwelling and suggests a dual purpose in serving the activities of the business and providing a domestic

function, and further indicates the separation of the building from the agricultural unit.

15. Schedule 2, Part 3, Paragraph W of GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.
16. The evidence before me suggests the appeal building is not on land contiguous with the agricultural unit and therefore is not part of an established agricultural unit. Having regard to the date of conversion of Springwell Barn, the proposal fails to convince me that the building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. The proposed development would not therefore comply with the provisions of Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

17. The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 was laid before parliament during the course of the appeal and its provisions are due to come into effect on 21 May 2024. The order will amend Class Q, including through removing the requirement for the building to have been used solely for an agricultural use. However, the amended Class Q will permit development only where the building is part of an established agricultural unit. Therefore, even if I were determining proposal against the amended Class Q which is shortly due to come into force, this would not change the outcome of my decision.

Conclusion

18. For the reasons given, I conclude that the appeal should be dismissed, and prior approval should not be granted.

E Dade

INSPECTOR