



Appeal Decision

Site visit made on 7 October 2024

by Ms Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2024

Appeal Ref: APP/N4720/W/24/3347355

Barn at Lofthouse Farm, Wike Lane, Wike, LEEDS, LS17 9NG

- 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 R Hutchinson against the decision of Leeds City Council.
 - The application Ref is 24/01003/DPD.
 - The development proposed is Change of Use of Agricultural Building to Dwellinghouse (Use Class C3) with building operations necessary for the conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a concurrent appeal¹ for the change of use and alterations to existing agricultural building to form residential dwelling. As the current appeal is a prior approval it raises fundamentally different issues to the concurrent appeal. I have, therefore, set out my reasoning for each in separate decisions.
3. The application for prior approval was made and determined under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'). Changes to the GPDO came into effect 21 May 2024; however, in accordance with the transitional arrangements, I shall determine the appeal in accordance with what was previously permitted under the 'old class Q' (SI 2018/343).
4. Class Q permits the change of use of an agricultural building to a dwelling house as well as building operations reasonably necessary to convert it, subject to the criteria set out within the legislation. In this case the proposal is for the conversion of an agricultural building to provide 1 dwelling.

Main Issue

5. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO having particular regard to whether the last use of the building was solely as an agricultural use as part of an established agricultural unit (criteria (ii) of paragraph Q.1 (a)) and whether any works have been carried out on the agricultural unit under Class A (a) or Class B (a) of Part 6 of the GPDO as required by paragraph Q.1 (g).

¹ Appeal reference: APP/N4720/W/24/3345024

Reasons

6. The appeal site is situated on Wike Lane and comprises of a detached building/barn of two storey height, with a single storey off-shoot to the eastern gable. The barn is constructed of stone with timber panelling above and a corrugated metal roof. There is a small area of gravel to the south of the site and hardstanding leading from timber gates to the barn. The surfacing within the building is broken hardstanding and/or concrete covering that has an uneven surface in places. The barn is situated south of Lofthouse Farmhouse, a grade II listed building constructed as part of the Harewood Estate.
7. In determining whether change of use from an agricultural building to a residential dwelling is permitted, Paragraph Q.1 of Class Q lists the relevant criteria against which proposals must be assessed. Failure to meet any of these criteria means it is not permitted development.
8. No evidence has been provided to indicate that criteria (iii) of paragraph Q.1 (a) of the GPDO is applicable in this case. Furthermore, the appellant acknowledges that the building was not in use as an agricultural barn on 20 March 2013 (criteria (i) of paragraph Q.1 (a)). Therefore, in order to benefit from the change of use permitted under Class Q of the GPDO it is necessary to determine whether the last use of the building was solely as an agricultural use as part of an established agricultural unit (criteria (ii) of paragraph Q1 (a) of the GPDO).
9. The appellant states that the barn was constructed as an agricultural barn associated with Lofthouse Farmhouse, constructed as part of the Harewood Estate. He goes on to say that its use has always been agriculture and there is no evidence in the form of change of use applications which would suggest any other use has been implemented within the barn. At the time of my visit the building was largely empty save for the storage of some pipes and fencing.
10. The appellant considers that the building would have been used as a milking parlour with hay storage to the eastern part of the large barn, with tall doors to allow the tractor to enter and exit for loading. The Council refer to previous planning applications and aerial imagery which shows that until recently the barn and curtilage has been within the same ownership as the adjacent dwelling, Lofthouse Farmhouse. It refers to documents submitted with previous applications which state that the applicant is unsure when, if ever, the barn was used for livestock and has confirmed that the building has been disused, other than for residential storage since 2000. In addition, evidence from an email dated 07/09/2023 through the submission of application 23/02421/FU states 'Prior to the sale of the barn to my client the garden space was used by the previous owners for the least 8 years as garden space'. Whilst this evidence arises from a different planning agent, the appellant's own statement indicates that the barn was within the wider Lofthouse Farmhouse site and that the previous owner of the Farmhouse was not a farmer. Furthermore, the appellant cannot provide a date or evidence to demonstrate when the barn was last in agricultural use.
11. The appellant suggests that any 'storage' which may have taken place within the barn would have been informal, ancillary and temporary and that this would not result in a change of the lawful use of the barn. However, the requirement of Class Q (a) (ii) is that the site must be used solely for an

agricultural use; it does not require a use in this context to be a lawful use of the site. Any other use which is not agricultural either on 20 March 2013 or when the building was last in use would mean the site was not solely in agricultural use. The GPDO does not permit an intervening use, however, short term.

12. The appellant's statement points to there being livestock paths together with the presence of livestock in the field which he considers demonstrates an association with the surrounding fields. It is suggested that this is sufficient to evidence that the field was last in use for agriculture. However, there is no evidence to prove that the livestock paths are in association with Lofthouse Barn. The fields are separated from the barn by Lofthouse Farmhouse and there is no obvious relationship with the appeal site. The well-trodden path appears to be within the curtilage of Lofthouse Farmhouse and could reasonably be related to residential use. Furthermore, the trodden path does not extend to the barn but is sited adjacent to the building at Lofthouse Farmhouse only. Even if the path extended to the north of the appeal site as suggested by the appellant this does not demonstrate that the barn was used in association with livestock. Whilst the appellant states that the Council has not provided evidence of an intervening use; the onus is on the appellant to demonstrate that the last use of the building was solely as an agricultural use. No details of the dates at which the use for agriculture was taking place have been provided. Consequently, there is insufficient evidence before me in this regard.
13. In terms of whether the barn is part of an established agricultural unit, the site is limited in scale with little land around the building itself and so cannot be reasonably considered to form an agricultural unit in its own right. The appellant states that the site was last used in conjunction with agricultural fields associated with the Harewood Estate and its agricultural operations. However, no details of the nature of the agricultural operations, business or the site's relationship to those operations have been provided. The appellant states that Lofthouse Farmhouse is now in separate ownership to the Harewood Estate and that the fields associated with the barn's use remain with the Estate and are now farmed by the agricultural unit to the north-west of the site on Harrogate Road. However, there is no evidence to demonstrate a functional relationship with Harrogate Road Farm or the Harewood Estate and that the barn is part of an established agricultural unit. Consequently, the proposal does not meet this requirement.
14. Whilst the appellant refers to the planning history of the barn, for the reasons stated above, I cannot be certain that the barn forms part of an agricultural unit or that works have not been carried out in the agricultural unit. Consequently, it is not possible to determine if any works have been carried out on the agricultural unit under Class A (a) or Class B(a) of Part 6 of the GPDO as required by paragraph Q.1 (g).
15. The onus is on the appellant to provide sufficient information to demonstrate that the proposal complies with the conditions, limitation and restrictions of Class Q. On the basis of the evidence before me there is uncertainty as to whether the last use of the building was solely as an agricultural use as part of an established agricultural unit (criteria (ii) of paragraph Q1 (a) of the GPDO) and whether any works have been carried out on the agricultural unit under

Class A (a) or Class B(a) of Part 6 of the GPDO as required by paragraph Q.1 (g).

16. The Council reference two appeal decisionsⁱ; however, I have determined the appeal on the specific circumstances of this case.

17. The permitted development conveyed by Class Q of the GPDO does not, therefore, apply in this case.

Conclusion

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

Ms Mulloy

INSPECTOR

ⁱ Appeal reference: APP/D0121/W/15/3002278; APP/D0840/W/17/3190234;