



Appeal Decision

Site visit made on 1 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/J3720/W/24/3338849

Field View, Croft Lane, Temple Grafton, Warwickshire B49 6PA

- 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 Berry and Young against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02365/COUQ.
 - The development proposed is the conversion of barn to 1no. (large) dwellinghouse.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for the conversion of barn to 1no. (large dwellinghouse) at Field View, Croft Lane, Temple Grafton, Warwickshire B49 6PA, in accordance with the terms of application 23/02365/COUQ. The application 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 GPDO.

Application for Costs

2. An application for costs was made by Berry and Young against Stratford-on-Avon District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Although the GPDO has been amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579, as the case was submitted to Stratford-on-Avon District Council prior to 21 May 2024, I have decided it on the basis of the old Class Q within the GPDO

Main Issues

4. The main issues are:
 - Whether the barn was last used for agriculture as part of an agricultural unit; and,
 - Whether the scope of the works is within that covered by the GPDO.

Reasons

Last Use

5. Class Q sets out that development is not permitted by the class 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...”
6. I understand from the submissions before me that the appeal building was original built as an agricultural barn for the benefit of the previous owner. There is some difference as to the age of the barn, but it is clear that it was built in 1998 at the latest and the two parties agree that it was use for agricultural purposes prior to 20th March 2013.
7. Although I note concerns, there is no substantive evidence to demonstrate that the barn and associated unit were put to any other use than agriculture under previous ownership. It is not possible to gain definitive answers to this however as I understand the previous owner is deceased. With this in mind, and lacking any substantive evidence to the contrary, I consider that the use, or last use until 2015 was agricultural as part of an agricultural unit.
8. The appellant, in their submissions, sets out that the appeal site is used for the keeping of a small number of poultry. I understand that this is for the purpose of food production and so is agricultural in nature. I note that the Council have similarly found this to be ‘hobby farming’ and that they are content the barn and its curtilage are consequently in an agricultural use.
9. I consider the storage of vintage farming equipment and the mowing of the wider land within the appellant’s ownership to not be an agricultural use in and of itself. In particular, although it is suggested that this mowing provides hay and silage, no demonstrable evidence of this has been provided. Nevertheless, I find that mowing, to prevent the land going wild, is akin to the maintenance of a building to prevent it falling into disrepair and so is not a non-agricultural use. I also find that the age of the equipment does not necessarily afford it a particular use.
10. I therefore find that the barn is used solely for the purposes of an agricultural use as part of an agricultural unit, the barn’s curtilage. The storage of farm equipment and the management of the land are not additional or an intervening, non-agricultural, uses.
11. From the submissions before me I have no reason to find other than that the wider fields within the appellant’s ownership were last used for agricultural purposes prior to 20th March 2013. Although they may not have been used since for this purpose, this does not prejudice the appellant’s case. Although there were smaller items stored in and around the barn at the time of my visit it appeared that these were largely connected to the use and maintenance of the barn and the associated coops. I do not find the rest to be so significant as to suggest an alternative use at the site.

12. Neither the requirements of Class Q of the GPDO of the guidance within the Planning Practice Guidance set out a requirement for an agricultural use or agricultural unit to be part of a business or trade. The lack of evidence demonstrating such a business has not, therefore, been determinative.
13. There is also some dispute as to whether the barn has been used in the last ten years. From my findings above it is clear that the last use of the barn was for agriculture as part of an agricultural unit, I am therefore content that, on the balance of probability, even if the barn has not been used in this time, it would still comply with either Class Q.1(a)(i) or (ii).
14. On the balance of probabilities, the building was last used for an agricultural purpose, albeit a small one, as part of an agricultural unit. The barn therefore meets the requirements of Paragraph Q.1(a) of the GPDO and so benefits from the rights set out under Class Q.

Scope of Works

15. The appeal building is a relatively simple structure formed of a steel framework with blockwork and metal clad walls, and a fibre cement sheet roof. I observed that the walls and roof were complete, and I understand from the structural report that the building is otherwise sound, although the floor is unmade.
16. In this case I understand that the metal wall cladding would be replaced and new windows and doors would be provided. As part of such a conversion Class Q.1(i)(i)(aa) allows for the replacement or creation of windows, doors and external walls, where they are reasonably necessary for the building to function as a dwellinghouse. I consider that these works would be reasonably necessary in providing suitable living conditions for future occupiers. In particular, the additional openings would allow appropriate access, outlook and light for future occupiers. Whilst the replacement of the wall cladding would be more significant, the blockwork and roof cladding are to be retained. I therefore find that the building would not be stripped so far back as to mean that the replacement walls would be tantamount to a new build or rebuilding of the barn.
17. Internal works are not generally development and, the Planning Practice Guidance (the PPG) is clear that, for the purposes of Class Q, it may be appropriate to undertake internal works such as the provision of a floor. Therefore, whilst there is currently no formed floor serving the building, the creation of one would not be outside of the scope of Class Q.
18. I am mindful of the Council's concerns that the roof will still be replaced, and that the external blockwork may be clad in bricks. However, it is clear from the amended plans that the roof is no longer to be replaced, and I understand from the written submissions that the appellant intends to install internal insulated cladding instead. With regard to the blockwork, there is no evidence that the appellant intends to clad it. However, I consider that even if this was to be done it would be within the scope of the works covered by the Class.
19. In conclusion, the proposed building operations, while significant, would be reasonably necessary for the building to function as a dwellinghouse in this instance, and would not exceed the limitations set out in Paragraph Q.1(i) of the GPDO.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and approval granted.

Samuel Watson

INSPECTOR