



Appeal Decision

Site visit made on 8 January 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3343560

The Barn, Near Wheelbrook House, Laverton, BA2 7RA

- 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 J Alderman against the decision of Somerset Council.
 - The application Ref is 2023/2299/PAA.
 - The development proposed is to convert an agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development provided on the Council's decision notice in the banner heading above as it describes the development more accurately than that used on the original application form.
3. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (GPDO) came into force on 21 May 2024. Transitional arrangements apply to applications submitted under the previous iteration of the Order. Therefore, the changes do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties. I have referred to paragraph and section references from the GPDO prior to these amendments.

Background and Main Issue

4. Class Q 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) of the Schedule to the Use Classes Order.
5. Under paragraph Q.1(a) of the GPDO, 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 20 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. The Council considers that it has not been able to determine from the evidence submitted that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, as required by paragraph Q.1(a) of the GPDO.
7. The main issue is therefore whether the proposed development would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the GPDO with particular regard to the use of the site.

Reasons

8. The appeal site includes an existing barn which is accessed via a track leading off Cherry Garden Lane. The appeal site is located within a holding which was registered with Defra and allocated a Holding Number and Flock Number in 2006. A copy of the Holding Registration Document has been provided. The holding comprises an irregular shaped parcel of land, primarily to the west of the building. However, the existence of a holding registration does not in itself demonstrate agricultural use.
9. For the purposes of Part 3, paragraph X of the GPDO 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. Section 336 of the Town and Country Planning Act 1990 (as amended) states that “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.
10. The appellant has submitted evidence which seeks to demonstrate that the appeal site and building was in agricultural use on 20 March 2013. This includes a Statement of Truth from a joint owner of the land which explains that the land was purchased in 2003 and the building erected in 2004. The statement describes that thereafter sheep were acquired, and breeding of lambs commenced. From 2009 sheep belonging to others started to be taken in. It is stated that ‘in total there were 25 – 30 sheep present on site at any one time’. In 2020 the keeping of sheep ceased and since then the land has been let to a neighbour.
11. Additional evidence demonstrates that sheep have been present at the site at various dates throughout a period running from 2005 – 2020. None of the evidence provided specifically covers the date of 20 March 2013, however a movement document from 2011 shows that 17 sheep were moved onto the site and an invoice for shearing and hoof trimming for June 2014 demonstrates that at least 5 sheep were present at that time. On this basis the Council does not dispute that there were animals on the site on 20 March 2013. Although the evidence is not conclusive in terms of the total number of animals on the site at this time, I see no reason to come to a contrary view.
12. However, the GPDO makes it clear that in order to be considered as an agricultural building, for the purposes of Class Q, the appeal building must have been used for the purposes of a trade or business. Whilst reference has been made to breeding and taking in of sheep belonging to others, limited details of

these activities have been provided and it has not been shown that any goods or services were sold at that time. Although it is not in dispute that sheep were kept at the site, some of the evidence refers to the animals as 'pets' and it has not been demonstrated that the use of the building was ever more than a leisure or hobby use. Thus, it is not clear from the evidence provided whether any of the activities which took place at the site were related to any trade or business. I am therefore not satisfied that the building was used as an agricultural building, as defined in the GPDO.

13. Consequently, it has not been adequately demonstrated that the building is an agricultural building for the purposes of the GPDO or that the site was used solely for an agricultural use as part of an agricultural unit on 20 March 2013. The proposed development would therefore not comply with the provisions of Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

14. I have been referred to several examples of barn conversions nearby. However, I am not aware of the specific circumstances of these cases and therefore cannot be certain that they are similar to the appeal scheme which I have determined on the basis of the evidence before me.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

E Pickernell

INSPECTOR