



Appeal Decision

Site visit made on 19 November 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/Y9507/W/24/3342746

Land at Farm between Forest Mead and Stonefield, Linchmere Common, Linchmere GU27 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Chris Powell against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/00061/PA3R.
 - The development proposed is described as class R application for change of use of agricultural building to Class C1 (hotels).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposed use falls within the permitted development rights under Schedule 2, Part 3, Class R of the General Permitted Development (England) Order 2015 (as amended) (GPDO); and
 - if so, whether the prior approval details relating to transport and highway impacts, noise impacts, and contamination risks on the site would be acceptable.

Reasons

Whether permitted development under paragraph R.1

3. Class R 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 flexible use (iii) Class C1 (hotels) of Schedule 1.
4. Development is not permitted by Class R if (a) the building was not used solely for an agricultural use as part of an established agricultural unit (i) on 3 July 2012; (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 building which was brought into use after 3 July 2012, for a period of at least 10 years before the date development under Class R begins.
5. The appeal building is a wide, flat roofed portal-framed structure with open bays and an enclosed section. During my site visit I saw that the building was

being used to store various items, such as machinery, tools and equipment, some of which associated with the production of honey.

6. The appellant asserts the building has been used for storage in connection with their agricultural contracting business, although little information has been provided regarding the operation of said business. A third-party letter confirms that the writer employed the appellant and their father to undertake various tasks at the writer's farm, and some of the writer's hay was stored within the appeal site. Another third-party letter sets out that the appellant used their agricultural equipment to look after the fields and hedges in several other properties in the village, and also tended to the verges and common grounds. However, I also note the representations suggesting that various other activities unrelated to farming took place within the site, including the storage of building materials.
7. Although I do not consider the representations as conclusive, I also do not have substantive evidence to demonstrate that the contracting operations occurred were such that the building was solely in use for agricultural purposes on the relevant date / duration as set out in the criteria in Class R.1 (a).
8. The evidence indicates that activities such as rearing cattle and keeping of chickens have taken place from the site. However, there is little detail of the level of these activities or when they took place. While part of the building is being used in connection with honey production, there is little information regarding the scale of this operation, and it is unclear when the hives were first put on the land. Reference is made to the barn being used in connection with a larger agricultural holding, however no compelling details have been provided regarding this matter. As such, from the evidence provided, it is not possible to establish the full details of agricultural uses that do take place within the site.
9. Drawing all the above together, in the absence of robust information regarding agricultural operations that took place off site as well as those on the site, I cannot be confident that the building would be solely in agricultural use as part of an established agricultural unit.
10. Consequently, it has not been shown that the proposed development is development which would be permitted by Class R of the GPDO.

Whether the prior approval details would be acceptable

11. Since I have concluded that the proposed development is not permitted development under Class R, it is not necessary or appropriate to consider the prior approval matters, including transport and highway impacts, noise impacts, and contamination risks.

Other Matters

12. The appellant has referred to a number of examples of approvals, which are asserted to be similar to the appeal proposal. However, I do not have full details of the schemes referred to and, in any case, my decision must be based solely on the operations that take place at this site.

Conclusion

13. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR