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## Appeal Decision

Site visit made on 10 August 2021

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2021**

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### **Appeal Ref: APP/C3105/W/20/3264358**

### **Crockwell House Farm, Manor Road, Great Burton, OX17 1QT.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Crockwell Farm LLP against the decision of Cherwell District Council.
  - The application Ref. 20/01902/Q56, dated 15 July 2020, was refused by notice dated 10 September 2020.
  - The development proposed is the change of use of existing farm buildings into a single residential dwelling (Use Class C3).
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### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) (only) of the GPDO<sup>1</sup> for the change of use of an existing farm buildings into a single residential dwelling (Use Class C3) at land at Crockwell House Farm, Manor Road, Great Burton, OX17 1QT in accordance with the terms of the application Ref. 20/01902/Q56, dated 15 July 2020, and the plans submitted with it.
2. This permission is subject to the condition set out in Part Q.2(2) of the GPDO.

### **Application for costs**

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### **Main Issue**

4. The main issue is whether the proposed change of use meets the requirements of Class Q of the GPDO so as to constitute 'permitted development'.

### **Reasons**

#### *Background*

5. The GPDO sets out the forms of development where a general permission is granted and express permission is not required and Part 3 of Schedule 2 of the Order deals with changes of use. Class Q of Part 3 sets out that the change of use of agricultural buildings to dwellinghouses is permitted development where the development consists of, under Q(a), the change of use of the building and land from use as an agricultural building to use as a dwellinghouse or (Q)(b) development as referred to in (a) together with building operations reasonably

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

- necessary to convert the building. Part Q.1 sets out factors where development is not permitted.
6. The Council advises that after a case review, it does not wish to defend reason for refusal no. 3 insofar as it relates to Part Q(b) and criteria Q.1(h). Notwithstanding this, the Council does maintain its objection on the grounds that the building is not capable of being converted and subsequently function as a dwellinghouse without substantial rebuilding works which would go beyond what is reasonably necessary for a conversion. The Council says this means that the building does not benefit from any 'permitted development' rights under Class Q.
  7. Having seen the building, as described in paragraph 7 below, I understand the Council's concern. The building would not be fit for human habitation without significant changes to the form of the structure to make it, at least, weatherproof. However, the GPDO is quite clear that this class of permitted development can consist of either Part Q(a) **or** Part Q(b) independently. As the proposal is limited to a change of use of the building and land within its curtilage under Q(a) this will not prejudice a subsequent assessment of any building operations proposed under Q(b) if applied for.
  8. In this case the building proposed for conversion is a modern, modular steel framed building with walls of corrugated sheeting above a concrete block plinth and with a concrete floor. One main elevation has been finished off with open vertical timber boards with a gap between each, while both end walls are partly open to the elements. The roof is also clad in corrugated sheeting. At the time of my visit there was little inside the building which did not appear to have been used for some time although there was some straw on the floor of an attached outbuilding. I also noted Crockwell House farmhouse nearby which appeared to have been unoccupied for many years.

*Whether solely in agricultural use as part of an established agricultural unit*

9. The proposed change of use is not permitted under part Q if the building was not used solely for an agricultural use as part of an established agricultural unit at relevant times. Although the application form was completed stating the site was in agricultural use on the 20 March 2013 (the relevant day) (or last used before this) nevertheless, the appellant advised that the building was not in agricultural use on that day and therefore Part Q.1(i) is not satisfied. However, Part Q.1(ii) says that where the building was not in use on the relevant day, the test to be applied is when it was last in use.
10. The appellant says that the appeal building was in agricultural use with Crockwell Farm up until about 2009 and in support of this includes various aerial photographs of the wider farm which purport to show livestock in the neighbouring fields. The quality of the images is not crystal clear, but the images show agricultural use of the land physically next to the building and vehicular and animal tracks leading into the building. Moreover, the appellant refers to the Council's own description of the farm as part of a planning application made in 2016 where it was said that the buildings has been used as part of a working farm at Crockwell House.
11. The Council submits that inadequate evidence had been submitted with the application to establish what the agricultural unit is or was. There is substance to this concern in that the location plan shows the land in the appellant's

ownership (as well as the red line site) but this omits all farmland. However, the extent of the former Crockwell Farm is now clear to me as it is shown with the Sale Brochure (undated) but included in Appendix 6 of the appellant's statement.

12. On the evidence submitted I find that the appeal building when last in use was used as part of an established agricultural unit.
13. The Council disputes that the building has been solely in agricultural use and refers to a planning officer visit to the site in 2020 where it was noted that a car was stored within the building and that there were other signs of restoration being undertaken. Nevertheless this evidence from a single snap shot in time and the very limited scale of activity involved does not paint a clear picture of a material non-agricultural use.
14. On the evidence before me I find that it has been reasonably demonstrated that the building has been used solely for agricultural purposes and there is no conflict with Part Q.1 to indicate that it is 'development not permitted'.

### **Conclusion**

15. Overall, I find that the proposed change of use to a dwellinghouse would be development that meets the specific requirements of Class Q(a) of the GPDO and that the appeal should be allowed.

*David Murray*

INSPECTOR