
Appeal Decision

Site visit made on 9 August 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th September 2016

Appeal Ref: APP/J2373/W/16/3149379

411 Midgeland Road, Blackpool, Lancashire FY4 5ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Brian Taylor against the decision of Blackpool Borough Council.
 - The application Ref 15/0531, dated 30 July 2015, was refused by notice dated 29 October 2015.
 - The development proposed is to convert the existing building into a residential building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO). The application is made under Class Q.(a), for a change of use of the building and any land within its curtilage to a residential use, and Class Q.(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a residential use.

Main Issue

3. The main issue in this appeal is whether sufficient evidence has been provided to demonstrate that the appeal site was solely used for an agricultural use as part of an established agricultural unit on 20 March 2013.

Reasons

4. The appeal property is a two-storey, detached building with a pitched roof. The ground floor comprises a kitchen and large workshop and the first floor consists of a lounge, a kitchen and a bedroom. The building is set within a large area of hardstanding, some of which has been paved with patio slabs. Access to the site is via a gated entrance directly off Midgeland Road.
 5. To the rear of the site are a number of shipping containers and a timber shed used for general storage and a timber and wire mesh enclosure previously used for housing chickens. There were no chickens present at the time of my site visit. A timber gate provides access into the field to the rear of the site, which appeared to be vacant at the time of my site visit.
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6. Paragraph Q.1 of the GPDO sets out the relevant criteria that proposals are to be considered against. Failure to satisfy the criteria results in the proposal not being permitted development. Criterion (a)(i) states that 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 on 20 March 2013. The Council contend that on 20 March 2013 the appeal site was not used for agricultural purposes.
7. The appeal site was once used as a market garden. However, there is no evidence that it has operated as such in recent years. The appellant argues that the land was used for agricultural purposes on 20 March 2013 and since 2007, when he became owner of the site. He confirms that since 2007 he has kept chickens on the site and sold and gave eggs to local residents. A total of ten chickens were kept on the site up until a recent fox attack. Furthermore, the appellant states that the field to the rear of the site has been cut and baled for haylage twice a year, with a yield of approximately 22 bales which is sold to local residents for horse feed.
8. The first floor of the building was fitted out for residential accommodation in 2008. However, I accept that it has not been occupied as such. Nevertheless, due to its residential layout, it is unlikely that the first floor was used for any agricultural purposes in 2013. With regard to the ground floor, this is mainly occupied by the workshop and there is no substantive evidence that this was used for agricultural purposes. The appellant states that the building is used for the storage of haylage and chicken feed although it is not clear where exactly within the building it is stored. In any event, due to the residential accommodation on the first floor and the workshop, the sole purpose of the building is clearly not for agricultural purposes.
9. The appellant also states that agricultural machinery is stored on the land. Whilst I noted what appeared to be a forklift truck and some general tools within the workshop, there was no evidence that these are used in relation to any agricultural activities. Although I appreciate that this is not representative of what was stored on the site in 2013, there is no evidence to suggest what machinery was stored at the time.
10. Based on the evidence before me, it is clear that activities that are typically associated with agriculture have taken place on the site, and I have no reason to believe that, to some extent, they were not being undertaken on 20 March 2013. However, criterion (a)(i) is clear in that the site must have been used solely for agricultural use as part of an established agricultural unit. I have no substantive evidence that such use was taking place by reference, for example to matters such as the agricultural unit accounts or an agricultural holding number.
11. I conclude therefore in relation to Class Q.1 (a), insufficient evidence has been provided to demonstrate that on the balance of probability the appeal site was used solely for agricultural use as part of an established agricultural unit on 20 March 2013.

Other Matters

12. I have had regard to the appellant's argument that the Council failed to determine the prior notification application within 56 days. However, as I have found that the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013 the change of use of the

building to residential use is not permitted development and therefore does not benefit from the provisions contained within Paragraph W(11) of Part 3 of Schedule 2 of the GPDO.

Conclusion

13. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR