
Hatts Copse Farm, Brook Lane, Botley SO30 2ER

PN/22/93479 Appeal

Following the refusal of the Class Q Prior Approval application at Hatts Copse Farm, Botley (Reference: PN/22/93479) we have listed below our responses towards the points raised by [Eastleigh Borough Council](#) which have been copied in blue.

The appellant is seeking to scale back his agricultural activity to other redundant buildings on site and change the existing farm workshop and hay-barn into 2 dwellings. This appeal statement should be read in conjunction with the original application plans, elevations, and design statement.



Design:

"The site, the subject of this prior notification, was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 and was not last in use for an agricultural use. It does not therefore meet the criteria of Class Q(a) of the General Permitted Development Order 2015. Accordingly, it is considered that the proposed conversions are not permitted development under Class Q of the Town and Country Planning (General Permitted Development) 2015 (England) Order 2015"

Through multiple email exchanges with the planning officer during the 56-day process, we provided them with various extracts from legislation as well as evidence from the client.

Following the planning officers site visit on the 8th August 2022, she made the statement *"I consider that the site, subject of this prior notification, is not therefore solely in agricultural use, as part of an established agricultural unit and does not therefore meet the criteria of Class Q (a) of the General Permitted Development Order 2015."*

We continued to express that when referencing the Town and Country Planning (GPD) 2015, it suggests that development is only prohibited if it wasn't in sole use on the 20th March 2013. Which at the time, Hatts Copse Farm was running actively within the agricultural sector.

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) 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;

Further communication came back and forth stating that the planning officer believed that:

"Even if they were solely in use for agricultural purposes on or before March 2013, there cannot be a material change of use since then. I believe there has been a material change of use as they are no longer solely in agricultural use."

However, within the Class Q permitted development legislation of the T&CP(GPD)2015, there is no focus on the present use, it is whether or not the building was within agricultural use on the 20th March 2013.

The planning officer expressed that application reference F/11/69156 highlighted her opinion that the buildings were no longer in agricultural use, however we provided her with the following evidence which we emailed on the 23rd August:

"Hi Alex,

When reading through the Officer Report for Application F/11/69156 it states that the description of the application was:

"Change of Use from dwelling with outbuildings, annexes and paddocks to a mixed use to enable use of stables and paddock as a commercial livery".

However, further down the detailed description is as follows:

"The use of 6 existing stables to the front of the property as a full livery. This would entail a manager looking after the health and welfare of the horses, with

their owners visiting solely to ride/see the horse. Car parking would be provided within the curtilage".

Within the design and access statement the plan shows the buildings which were labelled 'Stables' and the 'Hay Barn' labelled as the 'Barn'. We agree that the statement does mention that the Hay Barn would be associated with the livery business, but in the same statement is the list of activities with one being 'Growing/Harvesting Hay' which relates back to agricultural use. Just because it was associated with the livery business, doesn't mean it underwent a Change of Use - the detailed description only mentions the existing front six stables.

I have attached multiple photos from 2011/2012 which Brinton has sent through which show the hay in the fields along with the other animals on site, all relating to the farming business. (Note, this includes the applicants' daughters who are now in their 20's).

As you said in your response, you are only making assumptions on the planning approval and what buildings were included.. as you know the application had to be specific and not generic - so if the detailed application description only mentions the existing stables.. that is the only building that underwent the Change of Use? Meaning that the Hay Barn remained as a Hay Barn on the 20th March 2013."



We don't believe that the above evidence provided was taken into consideration as the planning officer was on leave until the 30th August 2022, which was a day before the decision was required.

Kind Regards,

Knight Architectural Design LTD