



Appeal Decision

Site visit made on 1 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/L3245/W/25/3365268

Redundant Agricultural Building, 3 Mortimers Hill, Cleobury Mortimer DY14 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant prior 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 Ian Swancott against the decision of Shropshire Council.
 - The application Ref is 24/03387/PMBPA.
 - The development proposed is conversion of redundant agricultural building.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council, in their first reason for refusal refer to a date of 24 July 2023. However, it is clear from their statement of case that this was an error, and the correct date listed in the reason for refusal should have been 20 March 2013. I do not consider that the appellant or interested parties have been prejudiced by this error. I have therefore determined the appeal on this basis.

Background and Main Issues

3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). Under the transitional arrangements, set out under Article 10, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025. The application confirms that the intention is to use the permitted development right as it stood prior to 21 May 2024. I have therefore dealt with the appeal on this basis.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for (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 use class C3 (dwellinghouses) together with (b) building operations reasonably necessary to convert the building, subject to limitations and conditions.
5. The Council refused the application on the basis that insufficient information has been submitted to demonstrate that the appeal site is or was used solely for an agricultural trade or business use as part of an established agricultural unit on or before 20 March 2013, and that insufficient information has been submitted to adequately demonstrate whether the proposed works to the building would involve

building operations which go beyond those reasonably necessary for the conversion of the building. Also, whether the proposed dwelling would have satisfactory vehicular access, associated visibility splays, parking, and turning facilities commensurate with the prevailing local conditions, and to secure safety for all road and rights of way users. However, the Council acknowledge that there is no requirement to establish a safe access under the (2015) GPDO.

6. Based on the submissions of the main parties there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.
7. Given the foregoing, the main issues are whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to: (a) the use of the building; and (b) the extent of building operations proposed and whether they are reasonably necessary for the building to function as a dwellinghouse.

Reasons

Agricultural use

8. The appeal site comprises a small single storey building located adjacent to the vehicle access to the site and other adjoining buildings on the land. The land includes the field to the front of the building which extends to a wider area of land. In total the land extends to approximately 8 acres.
9. Paragraph Q.1 (a) 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 – (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 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
10. Paragraph X defines an “agricultural building” as one used for agriculture for the purposes of a trade or business. An ‘established agricultural unit’ is defined in Paragraph X as ‘agricultural land occupied as a unit for the purposes of agriculture’. Whether or not this is the case is a matter of fact and degree based on the merits of the case and the evidence presented.
11. Prior to 2004, the appellant suggests that for a number of decades the building was used for housing livestock. During that period, it is suggested that different animals were kept in the building at different times, including chickens, pigs, cows and sheep. The appellant also indicates that eggs were sold, and animals were sent for slaughter.
12. Since 2008 the appellant suggests that the land has been let to a third party for grazing. As a consequence, the building was then used for the storage of fencing posts and fencing wire, weedkiller to spray nettles and various tools and equipment for the maintenance of the hedges and fences. However, there are also suggestions from neighbouring properties that the building has been used by a local tradesman. Eitherway, the evidence before me is limited. Indeed, there is no supporting evidence to corroborate the suggestions made by the appellant and no detailed evidence is before me regarding any agricultural trading activities. In particular, there is no financial information in relation to such activities at the site.

Also, although during my site visit, I observed that a very small amount of fencing wire was stored in the building there were no other obvious signs of agricultural machinery, equipment, tools or materials.

13. Overall, there is limited substantive evidence before me that the appeal site was being used for agriculture as a trade or business either before, on, or after the 20 March 2013.
14. Taking all the above into account and based on the evidence before me, it has not been demonstrated on the balance of probabilities, that the appeal site has been used solely for an agricultural use as part of an established agricultural unit, as required by paragraph Q.1(a) of Class Q. Consequently, the change of use of the appeal building and any land within its curtilage to a use falling within Class C3 would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Building operations

15. The single storey building is constructed from blockwork, with a shallow, dual roof pitch, clad in corrugated metal. There are two windows and a single stable door in the front elevation and a single door in each gable end of the building. Internally, the building is sub-divided by low blockwork walls with a front corridor leading from one end of the building to the other.
16. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
17. The Planning Practice Guidance (the PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
18. A 'Structural assessment of barn' report (the structural report) has been submitted and identifies that the masonry structure is robust and generally in good order. Indeed, the structural report confirms that there is no evidence of ongoing foundation-related movement of the main walls. Likewise, the structural report confirms that the roof structure is suitable for ongoing use, and all existing structural elements can be retained.
19. The windows and door in the front elevation would be retained and two small windows would be inserted into the rear elevation. The two doors in the gable ends would be blocked up. As such, works to convert the building would be modest and in the context of the size of the building they would be proportionate. Internal works are also inevitable and are not prohibited by Class Q, as set out in the PPG.

¹ Paragraph: 105 Reference ID: 13-105-20180615

20. Consequently, having regard to paragraph Q.1.(i) of the GPDO, the proposed works would comprise building operations reasonably necessary for the building to function as a dwellinghouse.
21. For the above reasons I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO in this respect.

Whether prior approval is required and should be granted

22. Given my conclusion that the proposed development would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required, as it would not alter the outcome of the appeal.

Conclusion

23. For the reasons given and based upon the evidence before me, I conclude that it has not been demonstrated that the appeal proposal is permitted development under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Accordingly, the appeal should be dismissed.

N Bromley

INSPECTOR