



Appeal Decision

Site visit made on 1 April 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/J0405/W/25/3359787

The Paddocks, Stewkley Road, Soulbury, Buckinghamshire LU7 0DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr B Doherty against the decision of Buckinghamshire Council.
- The application Ref is 24/02711/COUAR.
- The development proposed is change of use of hay barn to a C3 (residential) use.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. 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 Order), permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage, or a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions set out in paragraphs Q.1 and Q.2.
3. Class Q(c) permits building operations reasonably necessary to convert the building or to extend the building. Q1(j) advises that development is not permitted by Class Q if the development under Class Q(c) would consist of building operations other than - (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i).
4. The Council's first reason for refusal relates to whether or not the building was an agricultural building and whether the site was solely for an agricultural use as part of an established agricultural unit. Their second reason for refusal contends that the extent of the work exceeds that reasonably necessary to convert the building.
5. Given the above the main issue is whether or not the proposal would constitute permitted development in respect to Class Q and paragraph Q.1; and, if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

6. Paragraph X of Part 3 states that an "agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the

purposes of a trade or business; and “agricultural use” refers to such uses. The definition of agriculture includes the use of land as grazing land, and the appellant is seeking to rely on the fact that the land associated with the planning unit was, and is, used for grazing horses and more recently sheep.

7. Caselaw, including the Sykes case¹ referred to by the appellant, has established that ‘the breeding and keeping of livestock’ as an agricultural use does not include the breeding and keeping of horses, where the ‘keeping of horses’ involves activities other than putting them out to graze.
8. The appeal building was approved as a hay barn, and I saw at my visit that the building was being used to store hay, other items, and equipment for the management and maintenance of the land. However, as shown on the approved plans for the original permission, the hay barn was approved on land associated with existing stables. The stables, and other associated development, remain on the land that is part of the planning unit. Even if I were to accept that the land has been used for grazing sheep, the land, and the appeal building, are associated with the property known as The Paddocks, and its associated equestrian development.
9. Consequently, even if the land was used for grazing of horses every day of the year, the presence of the stables and other development at The Paddocks would indicate that the keeping of horses on this holding involves activities other than putting them out to graze. The use of the building would, therefore, not fall within the definition of an agricultural building.
10. Where the developer has provided insufficient information to establish whether the development complies with any conditions, limitations, or restrictions in Part 3, under paragraph W(3) of the Order, an application may be refused. Based upon the evidence before me, I am not able to conclude that it has been demonstrated that the building, or the appeal site, were used for an agricultural use. Therefore, it is not demonstrated the proposal falls within the definitional scope of permitted development under Schedule 2, Part 3, Class Q of the Order.

Other Matters

11. Class Q(c) permits building operations reasonably necessary to convert the building. Paragraph Q1(j) provides greater detailed advice on what building operations would be appropriate. Both main parties have also referenced the advice in the Planning Practice Guidance and the Hibbitt caselaw. Nevertheless, given my findings above I have not assessed the proposal against Q1(j) of the Order.
12. For the same reasons, I have also not assessed the proposal against the conditions set out in paragraph Q2(1)(a) to (g) which relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light.

¹ DJ Sykes v SSE & South Oxfordshire DC/South Oxfordshire DC v TB & E Underwood & PB Lance

Conclusion

13. For the reasons given, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the Order. Therefore, the appeal does not succeed.

K Townsend

INSPECTOR