



Appeal Decision

Site visit made on 6 June 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th of June 2025

Appeal Ref: APP/X3540/W/25/3358949

Barn & Stables, Toad Hall Farm, Old Felixstowe Road, Foxhall, Ipswich IP10 0DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant 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 GPDO")
 - The appeal is made by Mr Kevin Rout of KFFE Trading Ltd against the decision of East Suffolk Council.
 - The application Ref is DC/24/1690/P3Q.
 - The development proposed is the conversion of existing barn and stables to a single dwelling. Siting as existing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The prior approval application the subject of this appeal was made before the amendments to Schedule 2, Part 3, Class Q of the GPDO came into force on 21 May 2024 under a Statutory Instrument. Therefore, in accordance with the transitional arrangements I have determined this appeal based on the provisions of Class Q of the GPDO that applied on the date the application was made. However, in reaching my decision I have also had regard to the main parties' comments on the amendments to the GPDO.

Background and Main Issue

3. Article 3(1), Schedule 2, Part 3, Class Q of the GPDO grants planning permission 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 Class C3 (dwellinghouses) together with building operations reasonably necessary to convert the building to such a use. This is subject to various limitations and conditions that are set out in paragraphs Q.1 and Q.2 of Class Q.
4. Under Q.1(a) of the GPDO 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.
5. For the purposes of applying Part 3 permitted development rights, Schedule 2, Part 3, paragraph X of the GPDO sets out that '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. It defines ‘site’ as ‘the building and any land within its curtilage’ and ‘established agricultural unit’ as meaning agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013 or for 10 years before the date the development begins.

6. Section 336 of the Town and Country Planning Act 1990 as amended (“the Act”) defines agriculture as including horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.
7. The main issue in this appeal is whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q, Q.1(a) of the GPDO.

Reasons

8. The appeal relates to a brick building with an L-shaped footprint that comprises of a narrow single storey wing projecting from a larger, taller element that contains a mezzanine floor. The application form states that the appeal building was in use on 20 March 2013 and has been continuously since that date. The existing drawings show the floor plan of the single storey wing as predominantly accommodating stables, and this is reflected by the pattern of door openings and their styles. Stables are indicative of an equine use, which does not fall within the definition of agriculture under the Act.
9. It is common ground between the main parties that a planning application¹ for a change of use of tack room and one stable within the building to a farm shop was validated in October 2013 and permitted in November 2013. This appears to correlate with the ‘shop’ shown on the appeal building’s existing floor plan drawing. However, the details of that planning application indicate that at least part of the building and the land was in use as a stable and tack room prior to October 2013.
10. Furthermore, the Council’s evidence, which does not appear to be disputed or contradicted by alternative evidence, indicates that the planning application certified that the land/building did not form part of an agricultural unit at that time, nor was it part of Bluebell Nursery. The evidence of stabling and equine uses within the building indicates that the appeal site was not used solely for an agricultural use on 20 March 2013.
11. The evidence before me shows that the Council issued a Certificate of Lawful Use or Development² (CLUD) certifying that part of the appeal building had been used for the repair and servicing of ski equipment (use class B2) for a continuous period of more than 10 years prior to 3 November 2015 and was lawful. Consequently, the CLUD indicates that the appeal building was not used solely for agriculture on the requisite date.
12. The appeal building appeared to be partly used for storage at the time of my site visit. There were items kept on shelves on the first floor, including a sizeable

¹ DC/13/2774/FUL

² DC/14/4222/CLE

proportion that appeared to relate to skiing. This included clothing, poles and boots, amongst other assorted items. Those items appear to broadly relate to the use certified by the CLUD. The tack room and closest stable shown on the floor plans as adjacent to the shop, appeared to form a single room that was also recognisably fitted-out as a shop. Although vacant, there appeared to be display racking fixed to the interior walls, together with a small number of items that appeared to relate to skiing and what was recognisable as a sales counter.

13. The other stables shown on the existing floor plan contained toilets and showers, with another in use for the storage of furniture and car wheels. It is unclear when those uses commenced, however they could not reasonably be consistent with agriculture or incidental to it, and no substantive evidence has been advanced to the contrary.
14. The ground floor of the barn area appeared to be used for the storage of tractors, including a sizeable lawnmower, tools, plant, equipment and a car bodyshell and engine. The tractors, tools, plant and equipment could reasonably be found on an agricultural unit and used for agricultural purposes. However, I am not satisfied that the car bodyshell and engine would be.
15. My attention is also drawn to a relatively recent planning permission granted in 2021³ for a building to accommodate a grass cutting tractor, wood saw tractor, ride-on lawnmower, tractor, digger, hedge cutter and small plant items in connection with Toad Hall Farm. However, limited information regarding this building is before me. The Council's evidence, which does not appear to be disputed or contradicted by alternative evidence, indicates that it relates to the adjacent caravan and campsite use.
16. I saw that the land shown within the holding comprises largely of closely mown grass, along with a few buildings, including the appeal building, and a polytunnel. The appellant refers to a polytunnel being granted planning permission⁴ by the Council at Toad Hall Farm in around 2007. I saw that plants were being stored near the polytunnel and a small proportion of the land was planted with what appeared to be fruit trees and some evergreen plants. Horticulture and fruit growing are included within the definition of agriculture. However, there is limited evidence before me to substantiate that the appeal site was being used for agriculture as a trade or business either before, on, or after the 20 March 2013.
17. 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 as it stood on the date the application was made.
18. Notwithstanding my conclusion, even if the appeal was assessed under the amendments to the GPDO that came into force on 21 May 2024, the proposed dwelling would exceed the floor space limitation of 150 square metres and therefore it would not be permitted development on that criterion alone.

³ DC/21/2337/FUL

⁴ C/07/1947.

Other Matters

19. Having found that the proposal would not be permitted development, it is not necessary for me to consider the prior approval matters in dispute between the main parties as it would not alter the outcome of the appeal.

Conclusion

20. 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. The appeal is therefore dismissed.

G Sylvester

INSPECTOR