



Appeal Decision

Site visit made on 13 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/F3545/W/25/3358736

Barn adjacent to Farley Green House, Farley Green, West Suffolk CB8 9QE

- 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 appeal is made by Mr Brian Buckingham against the decision of West Suffolk Council.
 - The application Ref is DC/24/0694/P3QPA.
 - The development proposed is described as a prior approval application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - change of use from agricultural building to dwellinghouse (class C3) to create one dwelling.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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 GDPO) for the change of use from agricultural building to dwellinghouse (class C3) to create one dwelling in the barn adjacent to Farley Green House, Farley Green, West Suffolk CB8 9QE in accordance with the application DC/24/0694/P3QPA and the details submitted with it including drawing numbers 12A, 13, 14B and 15B. The proposed development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q2(4) of the GDPO and subject to the additional conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision for clarity, as the application form refers to the appellant's planning statement and plans.
3. On 21 May 2024, Statutory Instrument 2024 No. 579 (SI 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). I have determined the appeal in accordance with the GPDO in force at the time that the application was submitted on 22 May 2024.

Background and Main Issue

4. Class Q(a) of the GPDO permits development consisting of a change of use of (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, from a building on an agricultural unit or a former agricultural building to a use

falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q(c) also allows for building operations which are reasonably necessary to enable the conversion of the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.

5. The provisions of paragraph W (prior approval) of the GPDO is clear that the local planning authority may refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
6. The Council contends that the appeal proposal is not permitted development under Class Q and the limitations specified under Q1 as it has doubts as to whether the building is part of an established agricultural unit. The appellant contends that the building is currently part of an established agricultural unit.
7. The main issue is therefore whether the appeal proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO with particular regard to whether the building is part of an established agricultural unit.

Reasons

8. Farley Green House is a detached dwellinghouse with a domestic outbuilding to its side and a large garden to its rear. To the rear of the outbuilding is the appeal building which has a steel frame, blockwork base, metal clad walls and a dual pitched roof. To its side, is a field labelled on the location plan as 'agricultural land'.
9. For Part 3, paragraph X states that 'established agricultural unit' means agricultural land occupied for the purposes of agriculture, on or before 20th March 2013.
10. At the time of my site visit, the appeal building was in use as a workshop and for the storage of miscellaneous items including logs and other items associated with the maintenance of the wider site including a tractor and fencing materials. The appellant has submitted a statutory declaration with the appeal, confirming that the appeal building has been used in connection with the operation of a smallholding, including the annual grazing of sheep and the occasional housing of sheep during poor weather since 2004. They further indicate that the land associated with the appeal building is registered with DEFRA and annual sheep surveys are returned.
11. On this basis, and in the absence of any evidence to the contrary, I find no reason to disagree that the existing use of the building meets the definition of 'agriculture' set out in Section 336 of the Town and Country Planning Act 1990 (As Amended). Furthermore, there is no evidence before me to indicate that the site was not part of an established agricultural unit on 20th March 2013, and that this use continues to the present day which also accords with the requirements of Q1 (a).
12. The Council have drawn my attention to a householder planning application¹ which included the appeal building within the red line boundary of that submission. That application was also accompanied by an agricultural land declaration to confirm that none of the land to which the application relates is, or is part of, an agricultural

¹ Council ref: DC/18/2134/HH

holding². However, the purpose of an Agricultural Holdings Certificate is to ensure that anyone with an agricultural tenancy is notified of a planning application. The Certificate is not evidence of the use of land or any buildings as 'agriculture' or whether the land is part of an 'agricultural unit'. Moreover, the extent of a previous red line boundary does not determine the lawful use of the appeal building.

13. The Council does not raise any concern in relation to any other particular aspects of Class Q or Q1 of the GDPO and I find no reason to disagree. Based on the evidence before me and the statutory declaration in particular, I conclude that the appeal building is part of an established agricultural unit and the appeal proposal is permitted development under Schedule 2, Part 3, Class Q of the GDPO.

Other Matters

14. Farley Green House is a Grade II listed building known as Meadow Cottage³, a 17th/18th Century timber-framed and plastered house. The GPDO sets out that regard must be had to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Having considered the nature of the appeal proposal and the relationship between the appeal site and this asset, I am satisfied that no harm would result to the significance of this asset from development within its setting.
15. Furthermore, the Council raises no concerns in relation to the prior approval matters Q.2(1)(a) to (g) of the GDPO which relate to transport and highways, noise, contamination (subject to a condition), flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. Based on my observations on site and the information before me, I have no reason to take a different view in respect of these matters. Therefore, the proposal would comply with these other prior approval matters under Class Q of the GDPO.

Conditions

16. Paragraph W(13) of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I have also had regard to the tests in the Framework, the Planning Practice Guidance and the GPDO.
17. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q2(4) which specifies that the development shall be completed within a period of 3 years, as well as the provisions of paragraph W, including paragraph W(12) which requires development to be carried out in accordance with the details submitted. As such it is not necessary to impose separate time limit or plans conditions.
18. Condition (1) relating to contamination is reasonable and necessary in order to protect the health of occupiers of the proposed dwelling and to ensure that any potential effects of ground contamination are mitigated.

² 'agricultural holding' in that instance has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.

³ List entry number: 1235892

19. Condition (2) is reasonable and necessary to ensure adequate off-street vehicle parking is provided in the interests of highway safety.
20. Condition (3) requires cycle storage details to be submitted, approved and implemented prior to occupation, in the interests of promoting the use of sustainable modes of transport.
21. Conditions (4), (5) and (6) relating to lighting and the implementation of biodiversity enhancement measures and mitigation measures set out in the appellant's Preliminary Ecological Appraisal are necessary in the interests of biodiversity and/or protecting the amenities of adjacent areas.
22. A condition limiting water consumption is not considered reasonably related to the prior approval matters. A condition requiring details of appropriate sound attenuation against external noise is not considered reasonable or necessary since I have not been made aware of any particular sources of noise in the area, which without mitigation would result in an adverse effect on the living conditions of the occupiers of the appeal dwelling. It is not considered necessary to require the provision and retention of areas for collection/emptying of refuse and recycling bins, since these are already indicated on Drawing No 14A. Given the small scale and nature of the appeal proposal, a condition limiting the hours of construction / conversion works is not considered reasonable or necessary.

Conclusion

23. For the reasons given above the appeal should be allowed and prior approval is granted.

H Marriott

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 2) The dwelling hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 14B. Thereafter those spaces shall be retained for the parking of vehicles only.
- 3) The dwelling hereby permitted shall not be occupied until details of the provision of secure, covered, and lit cycle storage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to occupation and retained thereafter.
- 4) Any external artificial lighting at the development hereby approved shall be installed in accordance with advice recommended by the Institution of Lighting Professionals (ILP) Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.
- 5) All ecological measures and/or works shall be carried out in accordance with the details and recommendations contained in the Preliminary Ecology Report, created by Greenlight Environmental Consultancy, dated 22 February 2024, ref. 3429.
- 6) The dwelling hereby permitted shall not be occupied until details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the agreed timescales and details and retained thereafter.

END OF SCHEDULE