



Appeal Decision

Site visit made on 6 May 2025

by **N Kempton BAHons PGDip MA IHBC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/F4410/W/24/3356412

Barn, Bank House, Oak Lane, Sykehouse, Doncaster, South Yorkshire DN14 9AD

- 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 Ms Andrea Stauffer against the decision of City of Doncaster Council.
 - The application Ref is 24/00535/PRIOR.
 - The development proposed is change of use of agricultural barn to residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 21st May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force. The application that is the subject of this appeal was determined on 28th May 2024, under the amended provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order), as referenced in the reason for refusal. There are transitional provisions set out under 2024/579 Article 10 of the amending Order. However, both parties requested that the appeal be determined under the amended version of Class Q and I have proceeded accordingly.
3. Under Article 3(1) and Schedule 2, Part 3, Class Q(a)(ii) of the Order, development is permitted for the change of use of 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) of Schedule 1 to the Use Classes Order.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q1(b)(iii) of the Order, development is not permitted if in the case of a site that was (but is no longer) part of an established unit, since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose.
5. The Council may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the Council to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

Main Issue

6. The Council refused the application on the basis that the appeal building (the barn) has been used for non-agricultural purposes since ceasing to be part of an established agricultural unit (paragraph Q.1(b)(iii), it has not, therefore, considered the proposal against paragraphs Q.2.
7. Hence, the main issue is whether the proposed development meets the requirements of:
 - Class Q and paragraph Q.1(b)(iii) of the Order such that it would constitute permitted development.

Reasons

8. The appeal relates to Green Barn, a Dutch barn which has been clad in steel insulated sheeting.
9. The Statutory Declaration evidences the appellant's ownership of the barn and its previous agricultural use. However, the historic use of the barn and its previous relationship to an agricultural unit is not disputed. The appellant's evidence indicates that the appeal building ceased to be part of an established agricultural unit in summer 2021.
10. Essentially the parties disagree as to whether the site has been used for any non-agricultural purpose since then. This is directly relevant to the application of paragraph Q1.(b)(iii) of the Order. There is no definition of what constitutes 'any non-agricultural purpose' for this section of the Order. However, in considering this matter I have taken into account the definition in Part 3, paragraph X of the Order, which states 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.
11. Evidence of agricultural trade operating from the site, specifically cattle movement records, date to 2009. A letter sent from DEFRA to the appellant in relation to the agricultural holding dates to 2017. However, the documentary evidence relates to periods prior to the appeal building ceasing to be part of an established agricultural unit. No substantive evidence has been provided to demonstrate that an agricultural trade or business is currently operating from the site. As such, the evidence suggests that Green Barn has not been actively used for agricultural purposes for an extended period of time.
12. Neither does the Declaration explicitly establish that there has been no intervening non-agricultural purpose since the barn ceased to be part of an established agricultural unit. As such, the Declaration is inconclusive.
13. At the time of my site visit the building was largely vacant, only containing a few gates, fencing and a ride- on grass mower.
14. I further observed that the building was in use for the storage of various items in part of the building that has been subdivided to form smaller rooms. Such items included a beekeeper's suit, gloves and boots- though I did not observe any hives inside the barn or within its curtilage. There was a domestic cast iron beetle boot jack, a trophy, a domestic cream and chrome pedal bin, a stack of plastic storage drawers and supermarket- style shopping bags which appeared to be filled with

clothing. These findings broadly concur with that of the Council's Planning Officers observations during their site visit in May last year. The ongoing presence and nature of items would be consistent with a storage purpose rather than an agricultural use as defined in the Order. On the available evidence, I consider this would amount to a non-agricultural purpose.

15. Accordingly, there is reason to suppose that the appeal site has been used for a non-agricultural purpose since ceasing to be part of an established agricultural unit. This would disqualify the proposal from constituting permitted development under Class Q. It follows that further assessment of other restrictions, limitations and conditions of Class Q, Part 3 is rendered unnecessary.

Conclusion

16. For the reasons set out above, it follows that the proposal would not fall within the scope of the permitted development relied upon under Class Q, Part 3 of Schedule 2 of the Order. As such, it would not constitute development permitted.
17. The appeal is dismissed.

N Kempton

INSPECTOR