



Appeal Decision

Site visit made on 4 June 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/K1128/W/25/3360794

Land at Worston Cross, Yealmpton PL8 2LN

- 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 S Hoppins against the decision of South Hams District Council.
 - The application Ref is 3418/24/PDM.
 - The development proposed is Application to determine if prior approval is required for a proposed change of use of agricultural building to 1No dwellinghouse (Class C3) & for associated development (Class Q (a+b)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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). Parties are in agreement that the application has been considered against the updated regulation in accordance with the transitional arrangements.
3. The address used in the banner heading above is taken from the application form. The address used on the decision notice refers to the site as SX59937 53720, Winsor Cross. I am satisfied that these are the same place and that the details provided with the application clearly identify the location of the site. I have proceeded on this basis.
4. The description used above is taken from the decision notice, this is an accurate and succinct description and has been used as there is no single clear description on the application form.
5. Refusal reason 3 related to the site and building having the potential to be wildlife habitats for protected species. The appeal was submitted with a Bat and Protected Species Survey and the Council does not object to the acceptance of this document at appeal. It has suggested a condition in respect of this matter.

Background and Main Issues

6. Article 3, Schedule 2, Part 3, Class Q of the GPDO permits the change of use of a building that is part of an established agricultural unit and any land within that buildings' curtilage to a use falling within use class C3 (dwellinghouses). Class Q also allows building operations reasonably necessary to convert the building to a dwellinghouse use, subject to various clauses and conditions, including a

requirement for an application to be made to the local planning authority as to whether prior approval is required on various matters before beginning the proposed development.

7. The reasons for refusal relate to the building not being a lawful agricultural building and that the building was not in agricultural use on 24th July 2023.
8. The main issue is therefore whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO.

Reasons

Whether permitted development

9. The GPDO at paragraph Q states that development consisting of a change of use of (i) a building that is part of an established agricultural unit and land within that building's curtilage to a use falling within Class C3 (dwellinghouses) is permitted development.
10. The reasons for refusal focus on the building not being in agricultural use. However, the starting point for interpreting the GDPO is assessing whether the building is within an established agricultural unit.
11. Paragraph X of Part 3 of the GPDO defines an established agricultural unit as agricultural land occupied as a unit for the purposes of agriculture. This is distinct from the definition of an agricultural building.
12. The definition of agriculture is important to inform the assessment of an agricultural unit. The term 'agriculture' is defined in the Town and Country Planning Act 1990 (As Amended) as including, but not being limited to, 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.
13. For the purposes of prior approval, the redline has been drawn around the building and includes some land to the rear. The evidence states that the appellant owns approximately 10.80 acres of agricultural land and rents additional acreage. However, no clear plan has been provided showing the extent of the land which forms the agricultural unit. An agricultural holding number is provided, however, it is not supported by further details including the land to which it relates.
14. Although details of the extent of the land forming the agricultural unit are not clear I observed a number of sheep on the fields surrounding the building at the time of the site visit as well as in the building itself. The evidence also includes details of the sheep being bred on the site.
15. However, the Council have also provided evidence that horses are using the building and site. The planning history confirms that the building was granted planning permission as a stable. Whilst undated the evidence includes photos of horses inside the building. At the site visit I saw horses grazing on land around the site and the presence of a horse is acknowledged by the appellant.

16. Although there are clearly sheep using the land around the building, the land is also used by at least one horse, along with the planning history of the site leads me to conclude that the use of the site, and the building, is not solely agricultural.
17. The lack of certainty in respect of the agricultural holding and the fact that the site is, at least in part, in equestrian use mean that based on the evidence before me I cannot conclude that the site is an agricultural unit or that it was an agricultural unit on the relevant date.
18. As such, the information supplied is insufficient to establish that the building is part of an established agricultural unit, as required for the proposal to benefit from permission under Class Q(a)(i) of the GPDO. As such it does not constitute permitted development.
19. There is no need for me to go on and consider the effect of the proposed development with regard to the prior approval matters specified in paragraph Q.2.(1) under Class Q as it would not alter the outcome of the appeal.

Other Matters

20. The reason for refusal references the lawful use of the building given a previous condition restricting its use. Given the findings above regarding the interpretation of an agricultural unit it has not been necessary to fully address this matter in my decision.
21. The appellant provided a Bat and Protected Species Survey with the appeal. Whilst the Council confirmed that it did not object to the document being accepted at appeal, they made no comment on whether the report addressed their concerns. However, this matter has not been considered further given that the appeal is dismissed on the basis that the proposal is not permitted development.
22. I note comments from interested parties in respect of the proposal. However, in this instance the appeal is considered in terms of whether the proposal meets the criteria set out in the GPDO. Whilst providing some background information they can neither way in favour or against the proposal.

Conclusion

23. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed through prior approval provisions set out under paragraph Q of the GPDO.
24. For the reasons given above, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR