



Appeal Decision

Site visit made on 1 July 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/F4410/W/25/3362097

Forest View, Great North Road, Bawtry, Doncaster DN10 6DF

- 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Harriet Huddlestone against the decision of City of Doncaster Council.
 - The application Ref is 24/01581/PRIOR.
 - The development proposed is notification for change of use of agricultural building to Class C1 and Class E use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above has been taken from the decision notice, which succinctly describes the proposal.
3. Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), allows the change of use of a building and land within its curtilage from a use as an agricultural building to a flexible use, subject to limitations and conditions. Development permitted under Class R must relate to a building that has been used solely for an agricultural use as part of an established agricultural unit. Article 2 of the GPDO includes a broad definition of a building as including any structure or erection and any part of a building, and does not include plant or machinery, any gate, fence, wall, or other means of enclosure. The primary factors that are decisive in determining what a building is have been established through case law¹. Namely size, permanence and physical attachment.
4. Under GPDO Paragraph X an agricultural building is a building used for agriculture and which is so used for the purposes of a trade or a business. It defines an established agricultural unit as agricultural land occupied as a unit for the purposes of agriculture. While not defined in the GPDO, Section 336 of the Town and Country Planning Act 1990 (as amended) states that agriculture includes 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.

¹ Skerrits of Nottingham Ltd v SSETR (No. 2) [2002] EWCA Civ 5569

5. It is not disputed that the cumulative floorspace of the proposal would not exceed 150 square metres and so the provisions of paragraph R.3(1) (a) apply. Thus, prior approval matters set out within paragraph R.3 (1) (b) are not applicable. Neither are the conditions of sub paragraphs (3) and (4) relevant in this case as they relate to the type of development described in paragraph R.3(1)(b).
6. Class R relates only to change of use and does not permit any operational development. As such, the need for any associated works to facilitate a change of use, even if substantial, would not prohibit the change of use from falling under Class R. Therefore, any consideration of the amount of building operations that may be required are beyond the scope of this appeal. Similarly, any comparisons with the provisions of GPDO Class Q, caselaw and other appeal decisions associated with it are not pertinent to this case as they are specific to Class Q and not the GPDO more generally.

Main Issue

7. The main issue is whether or not the proposal would constitute permitted development under Schedule 2, Part 3, Class R of the GPDO, with regard to whether the proposal subjects are buildings, and if so, whether they have been used solely for an agricultural use as part of an established agricultural unit.

Reasons

8. The proposal relates to a cluster of structures as shown on the record drawing (2024-ID-24-RECA) and depicted in a series of photographs. Neither size, degree of permanence nor physical attachment are necessarily determinative of itself in establishing whether something is a building. As such, an assessment is required to balance the findings for each of the seven structures at the appeal site to establish whether or not they are buildings.
9. While there is no corresponding photograph on the submitted drawing, I observed the southernmost structure to be a modestly sized shipping container with a roller door, which by their very nature, are designed to be conveniently movable from place to place as a matter of course. I have no clear evidence that it was constructed on site, and it seems likely given its size that it was ready made and brought to the site. Furthermore, by my observations, it appears to be on a brick base, and so not fixed to the ground and could be moved. On this basis, this structure does not therefore amount to a building.
10. The size of the remaining six structures and the nature of the materials used to construct them as shown on the photographs that accompany the record drawing imply that they have been erected on site, rather than brought onto the site in their complete or partially complete form. Moreover, while the structures are in a generally poor condition, given their construction there would be little capacity to freely move the structures and it is likely that they would have to be either fully or partially dismantled before doing so. In this regard, they have a degree of permanency rather than transitory characteristics. Furthermore, there is no evidence that the structures were intended to be anything other than permanent features, indeed the appellant indicates that they have been in situ as part of the wider farming enterprise for several decades.
11. The two eastern structures appear to have brick footings and brick stall risers, however it was not sufficiently clear whether the remaining three structures to the

west and north are mounted on a permanent base or fixed to the ground. Nevertheless, and despite their poor state of repair, they appear to be of sufficient size that they are held in place under their own weight and retained in position. Overall, in my judgement, while the shipping container is not a building, the other six structures at the site amount to buildings for the purposes of this appeal.

12. The matters raised in the Council's statement in relation to other appeal decisions do not appear to relate to the decisions that have been appended. In the Cutty Stubbs Farm² appeal there was no dispute about whether the appeal related to a building, at Fletchers Lane³ the Inspector found that the structure would constitute a building, noting that there is no requirement concerning the state of repair of the structure as Class R provides for only a change of use and the Dereham Road⁴ appeal relates to a full planning application not a change of use and so is not relevant to this case. These decisions do not therefore alter my findings above.
13. For the six buildings at the site to benefit from permitted development under Class R they must also have been used solely for an agricultural use as part of an established agricultural unit. The appellant suggests that the structures at the site have historically been used for the containment of livestock and that in line with GPDO Paragraph R.1(a)(i) the use of the site on 3 July 2012 was solely for an agricultural use as part of an established agricultural unit. Based on the evidence before me and my observations, I have no reason to doubt that agricultural activities take place at the field adjacent to the appeal site and that the appeal site forms part of an established agricultural unit.
14. However, and notwithstanding that the requirements of paragraph R.1(a) are not related to intervening uses or the most recent use which appears to be for general storage, it has not been substantiated that the buildings were in agricultural use on 3 July 2012. The nearby prior approvals under Class Q are distinct from this case as they relate to different buildings and so do not indicate that the buildings subject of this appeal were in agricultural use on 3 June 2012. There is little basis therefore for me to determine that the requirements of paragraph R.1 have been met.
15. To conclude, the southernmost structure at the appeal site is not a building and so fails the first aspect of Class R. In my view the remaining six structures are buildings, however there is no clear indication that they were solely in agricultural use on 3 July 2012. As a consequence, the proposal would not benefit from permitted development rights under the terms of Class R.

Conclusion

16. For the reasons given above, the proposal would not constitute permitted development under Schedule 2, Part 3, Class R of the GPDO. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR

² Appeal Ref: APP/D1265/W/24/3352961

³ Appeal Ref: APP/L3815/W/24/3349664

⁴ Appeal Ref: APP/F2605/W/21/3282930