



Appeal Decision

Site visit made on 8 July 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Appeal Ref: APP/M2270/W/24/3358188

Top Barn Farm, Gedges Hill, Matfield, Tonbridge, Kent TN12 7EA

- 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 JBR Investors Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/02253/PNQCLA.
 - The development proposed is the change of use of a building and land within curtilage from an agricultural use to Class C3 (1 dwellinghouse) and associated building operations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council. This application is the subject of a separate decision.

Preliminary Matters

3. In the interest of accuracy, the site address in the banner heading is taken from the decision notice and appeal form. The application form referred to 'Crundalls Farm' which appears to be the property adjacent to the application site.

Main Issue

4. The main issue is whether the proposal would constitute permitted development under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

5. Class Q.1(a) and (b) set out that development is not permitted if the site is not part of an established agricultural unit either on 24 July 2023 or during the 10 years prior to the date of the development. The GPDO also prevents permitted development rights from applying where, following cessation of agricultural use, the building has since been used for any non-agricultural purpose.
6. In this case, the evidence before me demonstrates that the building and site have been in continuous use as a vehicle repair workshop and MOT testing facility since at least the mid-1990s. This use was formalised by a Certificate of Lawful Existing Use granted in 1996. Both the appellant and the local planning authority agree that the site has not been used for agricultural purposes for a significant number of

years, and indeed the appellant's own statement accepts that agricultural use ceased long before the relevant 10-year period.

7. The appellant argues that the building was once part of an agricultural unit and that its historic agricultural function should support eligibility under Class Q. However, even if the site had a former agricultural use, it has been in continuous commercial use for vehicle-related activities for several decades. As such, it cannot meet the criteria of Q.1(b)(ii), which requires that the site must not have been used for any non-agricultural purpose in the period following cessation of agricultural use.
8. Accordingly, I conclude that the building does not form part of an established agricultural unit for the purposes of Class Q. The proposal therefore does not constitute permitted development under the GPDO.

Conclusion

9. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR