



Appeal Decision

Site visit made on 4 June 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/A2470/W/25/3359867

Land at Morcott Road, Barrowden, Rutland LE15 8EJ

- 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) (GPDO).
 - The appeal is made by Mrs Lisa Dougherty against the decision of Rutland County Council.
 - The application Ref is 2024/0959/PAD.
 - The development proposed is described as 'prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural building to create 1 number 1 bedroom dwelling (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule.'
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. On 21 May 2024, Statutory Instrument 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Transitional arrangements apply to applications submitted under previous iterations of the Order, which was the case in this instance, allowing cases to be considered under the previous version. Therefore, the changes do not affect my consideration of the appeal. Consequently, I have not invited further comments from the main parties. All references to the GPDO in this decision therefore relate to the version that was in force prior to these amendments.
3. Class Q(a) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), and under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to certain criteria, and circumstances where development is not permitted which are listed under Paragraph Q1.
4. The Council's reasons for refusal concerned whether the site was solely in agricultural use as part of an established agricultural unit, as well as matters concerning the transport and highways impacts of the development.
5. Having had regard to the above, the main issues relevant to this appeal are:
 - whether the proposal would constitute permitted development as defined under Schedule 2, Part 3, Class Q of the GPDO; and

- if the proposal is found to constitute permitted development, whether it would accord with the conditions of Schedule 2, Part 3, Class Q of the GPDO with respect to the transport and highways impacts of the development.

Reasons

Whether Permitted Development

6. For a scheme to be permitted development paragraph Q.1 a) states that the development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit.
7. The letter from the Council dated 28 September 1989 identified that a building of particular size was permitted development by Class A, Part 6 of the Schedule to the Town and Country Planning General Permitted Development Order 1988 and planning permission from the Council was not required. It stated that a building of this size could be classed as reasonably necessary for the purposes of agriculture within that unit. This did not identify that the appeal building and land within its curtilage was then used for that purpose, only that what was proposed did accord with that version of the GPDO. Similarly, whilst the letter from the individual who submitted that scheme identified what the building was intended to be used for, there is limited substantive evidence that the building was then used as part of an established agricultural unit.
8. Historic Google images were provided showing the land around the building used to grow grass to make hay. The appellant states that a local farmer previously farmed the land as part of their established agricultural unit which may correspond with the Google images. However, an individual who states that they are from that farming family has said that the family had not used the land as part of an established agricultural unit. It has also not been substantiated that the appeal building itself was used in association with the production of hay or that the activities related to an agricultural trade or business. There are also comments from many interested parties who identify that they live nearby who state that the building has been used for non-agricultural uses. Whilst permission has not been granted to change the use of the building, a material change of use can take place without permission being granted for it. It would then be a case of whether it would be lawful or not.
9. There is limited substantive evidence that the building and any land within its curtilage was used as part of an established agricultural unit or, if it was part of one, that it has not been put to any non-agricultural uses since its cessation. Considering the doubt raised by the interested parties concerning the use of the building there is sufficient uncertainty and a lack of evidence to counter the interested parties' submissions.
10. Therefore, on the balance of probability, the building and any land within its curtilage was not used solely for agricultural use and was not used as part of an established agricultural unit and thus the proposal would not constitute permitted development as defined under Schedule 2, Part 3, Class Q of the GPDO. Even if considered under the latest iteration of the GPDO the scheme would not constitute permitted development for similar reasons.

11. Given that I have determined that the proposal would not be permitted development, it has not been necessary to consider whether it would accord with the conditions of Schedule 2, Part 3, Class Q of the GPDO with respect to the transport and highways impacts of the development.

Other Matters

12. While the Council may not have identified concerns with the use of the building and land when determining the previous application on site¹, it states that new evidence was submitted to it during the determination of the application that led to this appeal. Cases must be determined based upon the evidence before the decision maker and the Council identified that this new evidence led it to a different conclusion in this instance.
13. As it has not been necessary to consider the transport and highways impacts of the development, given to the conclusion on the first main issue, it is not necessary to consider the approach taken by the Inspector in the appeal at Barn at 16 Broad Town Road² on this matter. Additionally, with regard to the use of the building, in that instance, the appellant was able to provide substantive evidence of the agricultural activities that took place, unlike the scheme before me.

Conclusion

14. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR

¹ Application Reference: 2024/0666/PAD

² Appeal Reference: APP/Y3940/W/22/3311577