
Appeal Decision

Site visit made on 11 August 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/H1840/W/25/3367638

Land Adjacent to the Boundary, Back Lane, Bretforton, Evesham, Worcestershire

Grid Ref Easting: 0865, Grid Ref Northing: 4384

- 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 Architecture4all against the decision of Wychavon District Council.
 - The application Ref is W/25/00502/GPDR.
 - The development proposed is change of use from agricultural buildings to retail and storage (Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given in the Application Form is as follows: 'Prior approval for change of use to agricultural buildings to retail and storage.' The appellant did not agree to the Council's changes to the description of development and has confirmed that the storage use proposed would be ancillary to the Class E Use sought. Accordingly, I have reflected this in the banner heading for accuracy and have omitted words that are not acts of development contained in the description on the Application Form.
3. I have used the site address in the Appeal Form as it is more accurate than the one given in the Application Form.

Main Issue

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

Reasons

5. Schedule 2, Part 3, Class R 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 flexible use falling within one of the provisions of the Use Classes Order listed in paragraph R.(a).
6. On the basis that the application before me seeks to change the use of agricultural buildings to a use falling within one of provisions of the Use Classes Order listed in paragraph R.(a), namely Class E (commercial, business or recreation) of Schedule

2, I am satisfied that the Council's first reason for refusal has been adequately addressed.

7. Under paragraph R.1., development is not permitted by Class R if it does not meet the listed criteria (a) to (e). This includes, under (a)(iii), a building which was brought into use after 3 July 2012 for a period of at least 10 years before the date development under Class R begins.
8. Planning permission was granted for an additional propagation house on 10 January 2013¹. The main parties dispute whether the additional propagation house has been in use for at least 10 years before the date the application was made valid on 12 March 2025.
9. The Council has submitted an aerial photograph, purportedly taken in 2015, which does not show the additional propagation house. There is no time stamp on the photograph and the Council acknowledge that they do not hold the specific date in 2015 that the aerial image was taken. As such, the aerial photograph cannot be relied upon to provide certainty that the additional propagation house was not brought into use by the relevant date.
10. The appellant has submitted photographs within a Planning Statement dated 26 February 2015 relating to a previous application² at the appeal site. One of the photographs shows part of the approved additional propagation house having been constructed. However, the photograph provides only a snapshot in time and does not constitute definitive evidence of continuous use of the building for the period of at least 10 years prior to the relevant date.
11. Although the appellant has submitted a sworn statement that the propagation house/ potting shed has been in use since 2014, it does not appear to have been made in accordance with the formal requirements of a statutory declaration or affidavit, as there is no indication that it was signed in the presence of an authorised person such as a solicitor or commissioner of oaths.
12. Furthermore, the content of the submitted sworn statement lacks sufficient specificity such as clear dates, detailed descriptions or corroborative documentation to substantiate the claims made. In the absence of supporting evidence, such as dated photographs, usage records or third-party verification, the statement carries limited evidential weight.
13. Having assessed the submitted details, I find that the proposal does not meet the conditions specified in paragraph R.1 of the GPDO, which are necessary for the development to be considered permitted under Class R.
14. According to the submitted plans, the proposed curtilage for the change of use encompasses a narrow strip of land extending between the tractor shed and the propagation house, as well as a small area of hardstanding situated between the propagation house and polytunnels.
15. The interpretation of Part 3 under paragraph X defines 'curtilage' as (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the

¹ Ref. XXX

² Ref. XXX

agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

16. While the GPDO does not stipulate the shape and size of the curtilage, the aforementioned strip of land is not immediately beside the polytunnels and cannot be fairly asserted to be 'around' them given its physical separation from the polytunnels, thus failing to comply with paragraph X.(a). Even if the land were considered to be 'around' the polytunnels, it must be closely associated with and serving the purposes of the polytunnels. However, the evidence currently before me is insufficient to establish such an association.
17. While the combined land area of the curtilage is no larger than the combined land area occupied by the agricultural buildings proposed for change of use, the test under paragraph X.(b) is whether the area of land immediately beside or around the agricultural building is no larger than the land area occupied by the agricultural building.
18. As established above, the narrow strip of land is not immediately beside or around the polytunnels. Therefore, if I were to accept that the narrow strip of land forms the curtilage to only the tractor shed and propagation house, its land area of approximately 466 sq. m would be substantially larger than the combined floor area of the tractor shed and propagation house at around 150 sq. m.
19. Taking the above factors into account, I am not satisfied that the curtilage in question falls within the definition of 'curtilage' for the purposes of Class R set out in paragraph X. of the GPDO.
20. Drawing all the relevant points together, I conclude that the proposal does not constitute permitted development under Schedule 2, Part 3, Class R of the GPDO.

Other Matters

21. The Council's handling of the planning application has not factored into my decision, and I have determined the appeal only on the planning merits of the case.

Conclusion

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

U P Han

INSPECTOR