



Appeal Decision

Site visit made on 19 August 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/J0405/W/25/3367977

The Paddock, Longrow, Wicken Road, Leckhampstead MK18 5NZ

- 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 Mr O'Brien against the decision of Buckinghamshire Council.
- The application Ref is 25/00002/COUAR.
- The development proposed is prior notification application (Part 3, Class Q) for change of use and conversion of two existing agricultural barns into 2no. dwellings.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. 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 Order), permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions set out in paragraphs Q.1 and Q.2.
3. The Council has refused the application on the grounds that there are restrictive conditions limiting the change of use of one of the appeal buildings and that the location would make it undesirable for the building to change from agricultural use to a use falling within Class C3.
4. Given the above, the main issue is whether or not the proposal would constitute permitted development in respect to Class Q and paragraph Q.1; and, if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

Whether permitted development

5. Article 3(1) provides that, subject to the provisions of the Order, planning permission is granted for the classes of development described as permitted development in Schedule 2. The Order grants planning permission for certain changes of use, including changing from agricultural use to dwellinghouse under Class Q, subject to complying with the conditions.
6. In order to benefit from any planning permission granted by Article 3 of the Order, the development must not be contrary to any condition on an existing planning permission.

7. The appeal buildings were allowed under reference 12/00517/APP. The buildings were described as a dispatch room/abattoir and a hatchery and associated storage. Condition 6 was imposed on that consent restricting the use of the dispatch room/abattoir, to that use only, and for no other purpose, including any other use under Class B2 of the Town and Country Planning (Use Classes) Order 1987, or any subsequent order. The reason for condition 6 was to ensure that inappropriate uses do not take place in this locality and in accordance with the Aylesbury Vale District Local Plan policies GP8 and GP35.
8. Condition 6, therefore, restricts the right to change the use of the building to another use within Class B2, now Class E. Condition 6 was imposed before the rights, under Class Q, to change the use of buildings on agricultural units to residential use, was added to the Order. Nevertheless, the condition is not worded to remove all permitted development rights. It is precisely worded to remove the rights under Class B2 and a condition that seeks to remove all possible future permitted development rights would not be reasonable.
9. Even if the rights under Class Q were available at the time of the planning permission, I have no compelling evidence that the council would have removed such rights. Given the reason for the condition and the policies quoted, it was intended to prevent inappropriate uses, ensure that the living conditions of the occupiers of the nearby residential properties were protected and also to ensure that the design was acceptable.
10. The separation distance between the appeal buildings and the neighbouring properties would ensure that the change of use under Class Q of the Order would not cause harm to the living conditions of the occupiers of neighbouring properties, even if the appeal buildings are used as holiday accommodation. Furthermore, the external changes proposed would respect the character and appearance of the buildings. A change of use to residential would, therefore, not be an inappropriate use of the buildings, which is what the condition seeks to ensure. I, therefore, find that condition 6 would not prevent an application for prior approval under Class Q and that the planning permission granted by Article 3 of the Order would not be contrary to condition 6.
11. This first part of Class Q does not require the existing building to fall within the definition of “agricultural building” within Paragraph X of Part 3. Prior approval can be granted under Q(a)(i) for a change of use of a building which is part of an established agricultural unit, but not in agricultural use. As such, even if building two is a B2 use or a sui generis use, the Council and the appellant both agree that both buildings, subject to this appeal, are part of an established agricultural unit.
12. The Council has not raised any other reasons why the appeal proposal would fail to comply with Class Q of the Order, and I have no reason to disagree. Therefore, I find that the change of use of the two buildings, to a use falling within Class 3 (dwellinghouses), would comply with Class Q (a)(i).

Whether prior approval is required and should be granted

13. As I have found that the development would comply with Class Q of the Order. I, therefore, must consider it against the conditions set out in paragraph Q2(1) (a) to (g). The Council has not raised any concerns with regard to conditions (a) to (d), (f) or (g) and I have no reason to disagree.

14. Condition (e) of Q2(1) sets out that, where the proposal is development under Class Q(a) together with development under Class Q(c), it is permitted subject to the condition that before beginning the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to; (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.
15. The buildings subject to this appeal are currently near to animal housing buildings, temporary structures and also near to the site where planning permission has been granted to replace one poultry house with a new one. That planning permission is extant and both that permission and the current change of use could be carried out.
16. Should the change of use occur the future occupants of the residential units would be living close to poultry housing and sharing the same access point. The odour, noise and general disruption from the poultry housing would result in poor living conditions for the future occupants of the residential units. The location of the appeal buildings would, therefore, be undesirable for them to be changed from agricultural to dwellinghouses and would fail to comply with condition Q2(1)(e) of the Order.
17. Although the appellant is also the applicant for the poultry housing permission, and it is within the same land ownership, it is not possible to revoke a planning permission through the use of a condition. A legal agreement would be required. As no such agreement is before me, there would be no means to prevent both the new poultry housing and the proposed change of use from going ahead and no means to prevent the adverse effects on the living conditions of the future occupants of the residential units. For these reasons, prior approval is required and should not be granted.

Other Matters

18. Interested parties have also raised concerns regarding the potential that this application would set a precedent for further applications for agricultural buildings, residential dwellings, and other Class Q applications. Although I am mindful of their concerns each application is considered on its own merits and against the relevant policies or legislation.

Conclusion

19. For the above reasons, although the appeal scheme meets the requirements of paragraph Q.1, such that it would constitute development permitted under Class Q, the location and siting of the appeal buildings make it undesirable for their use to change due to the adverse effects on the living conditions of the future occupiers of the dwellings. Therefore, the appeal should be dismissed.

K Townend

INSPECTOR