



Appeal Decision

Site visit made on 13 August 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/F2415/W/25/3362800

Agricultural Building at Daisy Bank Farm, Theddingworth Road, Mowsley, LE17 6PZ

- 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 N Ross against the decision of Harborough District Council.
 - The application Ref is 24/01409/PDN.
 - The development proposed is described as 'Notification to determine if Prior Approval is required for the proposed change of use of an agricultural building to one smaller dwellinghouse (C3) and for associated operational development (Class Qa and Qb).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the change of use of an agricultural building to one smaller dwellinghouse (C3) and for associated operational development (Class Qa and Qb) at Agricultural Building at Daisy Bank Farm, Theddingworth Road, Mowsley LE17 6PZ in accordance with the terms of the application Ref 24/01409/PDN, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development above has been taken from the appeal form, and the Council's decision notice, rather than the application form, in the interests of precision.
3. The appellant submitted the application to be assessed 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 Order) as they stood prior to 21 May 2024, as permitted by Article 10 of the amended Order. This permits development consisting of: (a) 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) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building.
4. Approval is being sought for change of use and associated building operations pursuant to Class Q(a) and Class Q(b) respectively. The Council considered the application on this basis, and I shall deal with the appeal in the same manner.

Main Issue

5. The main issue is whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q of the Order.

Reasons

Background

6. The deemed permission granted by Class Q is subject to a number of limitations which are listed in Paragraph Q.1. The proposal must meet all of these in order to qualify as permitted development. This includes Paragraph Q.1(a) which stipulates that the site must have been used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 ('the relevant date').
7. The Council's concerns relate specifically to whether the appeal building was solely in use for agricultural purposes at the relevant date.

Assessment

8. The evidence before me shows that animals were bought in 2012, and there was movement of animals to slaughterhouse in 2012. It also includes correspondence from customers who bought meat from the appellant starting in 2012, a chest freezer receipt from 2012, and photographs of the appeal site showing pigs, goats and sheep, in and around the appeal building. Based on the appeal site photographs, which the appellant states were taken starting from 2011, and my site visit observations, I am satisfied that the submitted photographs show animals occupying the appeal building.
9. Whilst the number of animals on site varied across the years, given that 'Daisy Bank Farm' was a registered business in July 2010, and transactions took place for several years, I consider that the animals were an essential part of the agricultural use of the site, rather than pets. Furthermore, the Order does not stipulate a certain scale of agricultural use. There is nothing before me to indicate that the meat products bought by customers were not from livestock reared at the appeal site. There is, however, a statutory declaration from a customer, which states that the customer purchased lamb and pork which was reared at the site, starting with 2012. Accordingly, given the cogent evidence before me, including my site visit observations, I am satisfied that the appeal site was in agricultural use at the relevant date.
10. The submitted evidence shows that the horse drawn carriage business ceased before the relevant date. More particularly, correspondence dated 9 January 2012 confirms that a horse drawn carriage service was no longer provided. Whilst the name 'Swift Stables' appears throughout various documents the name itself does not equal to a certain use of the land. Likewise, the appearance and size of the building, which accommodated horses in the past, along with the presence of a halter, lead rope and feeding buckets at the time of the Council's site visit, do not demonstrate that the appeal building was in equestrian use at the relevant date. In the absence of substantive evidence to the contrary, I am satisfied that the appeal site was used solely for an agricultural use as part of an established agricultural unit at the relevant date, in accordance with the requirements of Paragraph Q.1(a). The Council has confirmed that the proposal would comply with the other criteria set out within Paragraph Q.1 and I have no reason to conclude otherwise.

11. Permission under Class Q is conditional upon the developer first applying to the local planning authority for a determination as to whether its prior approval would be required as to the matters set out in Paragraph Q.2(1).
12. The proposal would make use of an existing vehicular access, and the Highway Authority found it acceptable subject to a condition to secure the provision of two car parking spaces. There would be no adverse noise impacts. The Council's Contaminated Land and Air Quality Officer considers, due to the history of the site, that a land contamination risk assessment is necessary. I find that, subject to conditions which secure the land contamination risk assessment, the development is acceptable in this regard. The site is located within Flood Zone 1 and is unlikely to flood. There are no concerns that the location and siting of the building would make the building impractical or undesirable. The existing external timber cladding would be retained and redecorated in situ, and some of the existing barn doors would be relocated and redecorated. Overall, the design and external appearance would be in keeping with those of the original building and therefore are acceptable.
13. Accordingly, I conclude that the building qualifies for change of use to a dwelling under Class Q. The proposal is acceptable and therefore a grant of prior approval is appropriate.

Other Matters

14. I have had regard to the concerns outlined by third parties, particularly with regard to the planning history of the appeal site. My attention has been drawn particularly to a planning application¹. I do not have full details of that case; however, based on the submitted plans for that application, including the evidence within the planning statement dated August 2022, the appeal building does not appear to be part of that application, as it was outside the red line boundary of the site. Concerns have also been expressed regarding any precedent that this development might cause. However, these concerns do not alter my findings above, which I have reached based on the evidence before me. Furthermore, I have considered the development based on its own merits and site-specific circumstances, with no preclusion to any future developments.

Conditions

15. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
16. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where necessary, amending them for the sake of simplicity, clarity and precision. As details of the development are conditioned by the Order, a plans condition is not necessary.
17. I have attached conditions to address the risks associated with unexpected land contamination to protect the living conditions of the future occupiers. In the interests of highway safety, a condition is necessary to secure off-street parking.
18. A condition related to land contamination requires the submission of details prior to the commencement of development on site. I consider that because of the nature

¹ LPA ref: 22/01518/FUL

of the works involved the pre-commencement element is necessary. I also note the appellant's suggestion regarding such condition, if the Council found it necessary, as it is the case.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Andreea Spataru

INSPECTOR

Schedule of conditions

- 1) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timetable, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.
- 2) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 3) Notwithstanding the submitted plans, the development should not be occupied until two off-street parking spaces have been provided at the site for the sole use of the occupiers. Both of these spaces should be a minimum of 5.5 metres long and 2.4 metres wide. Once provided, they should be retained in perpetuity for the occupiers of the development.

End of schedule