



Appeal Decision

Site visit made on 10 September 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/T3725/W/25/3367864

Barn at The Green Barn House, Wasperton Lane, Barford, Warwick CV35 8DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) 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 GPDO).
 - The appeal is made by Mr and Mrs Manicom against the decision of Warwick District Council.
 - The application Ref is W/25/0206.
 - The development proposed is change of use of agricultural building and land within its curtilage, together with associated building operations, to form 1 dwellinghouse.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of agricultural building and land within its curtilage, together with associated building operations, to form 1 dwellinghouse at Barn at The Green Barn House, Wasperton Lane, Barford, Warwick CV35 8DH in accordance with the application ref W/25/0206 and the details submitted with it and subject to the conditions in the schedule below.

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. I have removed superfluous wording to ensure a more concise form of words.
3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. The amending order provided transitional provisions where prior approval applications could be made in respect of the old Class Q legislation until the end of 20 May 2025. The application subject to this appeal was submitted to the Council prior to that date and was determined under the old Class Q legislation. I shall determine the appeal on the same basis.
4. The old Class Q legislation 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.

5. During the determination of the application, the proposal was amended to remove the northern section of the barn, which was originally intended to be retained for the storage of hay and straw as well as sheep handling equipment.

Background and Main Issue

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) (i) which stipulates that the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.
7. The Council contends that the appeal proposal is not permitted development under Class Q and the limitations specified under paragraph Q.1 (a) (i) as it considers the site has not been used solely for an agricultural use as part of an established agricultural unit.
8. The main issue is whether the appeal proposal would be permitted development under Schedule 2, Part 3 Class Q of the GPDO with particular regard to whether the building was an agricultural building and the site was used solely for an agricultural use as part of an established agricultural unit.

Reasons

9. Paragraph X provides relevant definitions: agricultural building means a building used for agriculture and which is so used for the purposes of a trade or business; agricultural use refers to such uses; and an established agricultural unit is agricultural land which is occupied as a unit for the purposes of agriculture.
10. The Council's case examines the planning history of the appeal site and the wider site between 2002 and 2007, including an equestrian key worker dwelling. It also refers to a site visit and historic aerial images, although these are not before me and as such, I can only give them limited weight in my considerations.
11. The Council claims these link the appeal building to equestrian functions. The Council concludes that the equestrian activities are intrinsically linked to the wider site and thereby does not form part of an established agricultural unit.
12. The appellants' case, which includes a Statutory Declaration, identifies the land they own and rent, as well as elaborates on the agricultural and equestrian activities undertaken, including where on the land they are carried out. It also sets out how the appeal building was in dual use for sheep, agricultural machinery storage and horses until 2011. Since 2011 it has been used solely for the storage of agricultural equipment, storage of hay and straw and housing for sheep.
13. My observations on site align with the appellants' evidence and I saw that there were sheep in the field adjacent to the appeal building, which itself was arranged as a shelter for sheep and for the storage of hay and straw as well as agricultural equipment. A building to the north was set-up for stabling horses with an adjacent horse walker and lunge pen. A menage was located to the east of the appeal building.
14. Moreover, evidence has been presented showing that subsidies are claimed and the land is subject to the Basic Payment Scheme, also known as Delinked Payments, which relates to agricultural land. The accompanying plan is dated 13

May 2015, which is within 10 years before the date the development would begin, but post-dates 20 March 2013. Payments only relate to the agricultural land and not to buildings. The plan and payments do not relate to the outdoor equestrian facilities.

15. I found that the agricultural and equestrian activities were clearly separate and undertaken in distinct areas, thereby representing separate uses rather than a single mixed use. Furthermore, I found the appeal building to be in an agricultural use and within the agricultural area of the wider site.
16. I note that the evidence before me indicates that the occupation of the dwelling is not solely restricted to an equestrian worker, as it also allows for occupation by an agricultural or forestry worker.
17. In the circumstances of this case, the existing use of the building meets the definition of 'agriculture' set out in Section 336 of the Act and the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.
18. The fact the proposal is acceptable in terms of assessment against all remaining criteria under Class Q. 1 is not disputed and I am satisfied the proposed development meets the appropriate qualifying criteria.

Other Matters

19. In this case the Council did not refuse the application on ecological grounds. Whilst bats are mobile and can be discovered in locations not previously recorded, there is no convincing evidence before me that there is a reasonable likelihood of bats being present and affected by the development
20. Issues of privacy and drainage fall outside the scope of matters that can be considered under Class Q. The Council raises no concerns, subject to conditions, in relation to the prior approval matters contained in paragraph Q.2 (1) (a) to (g) of the GPDO, which relate to transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. Based on my observations on site and the information before me, I have no reason to take a different view in respect of these matters. Therefore, the proposal would comply with these other prior approval matters under Class Q of the GPDO.

Conditions

21. Paragraph W(13) of the GPDO allows a prior approval to be approved unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity. I have also had regard to the tests in the Framework, the Planning Practice Guidance and the GPDO.
22. It is not necessary to impose a time limit condition as Paragraph Q.2 (3) stipulates that development under Class Q must be completed within a period of 3 years starting with the prior approval date.
23. I have attached a condition requiring the development to be carried out in accordance with the approved plans, in the interest of certainty.

24. A condition is required to ensure that the northern section of the existing barn is demolished in the interests of future occupiers of the new dwelling being safeguarded from noise impacts.
25. A condition relating to contamination is reasonable and necessary in order to protect the health of occupiers of the proposal and to ensure that any contamination risks are mitigated.
26. I have attached conditions relating to any gates crossing a vehicular access, the surfacing of the vehicular access for a minimum distance from the public highway, and visibility splays in the interest of transport and highway impacts of the development.
27. I have not imposed a condition restricting the area of the curtilage as this is covered by the approved plans condition.

Conclusion

28. For the reasons given above the appeal should be allowed and prior approval is granted.

P Barton

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 8028-06a Proposed G Floor Plan, 8028-07a Proposed Elevations, 8028-08a Proposed Overall Layout, 8028-09a Proposed Block Plan, and 8028-10a Proposed Location Plan.
2. No gates, barriers or means of enclosure shall be erected across a vehicular access within 6 metres of the highway boundary. All such features erected beyond that distance should be hung open inward away from the highway.
3. The development shall not be occupied until the existing vehicular access has been resurfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway.
4. The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and a 'y' distance of 88 metres in an eastern direction and 94 metres in a western direction measured to the nearest edge of the vehicle track as shown on drawing 26510-01A. The visibility splays shall be retained as such thereafter and no structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
5. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended until an investigation and risk assessment has been undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by

the local planning authority. The development shall not resume or continue until the measures identified in the approved remediation scheme have been completed and a verification report submitted to and approved in writing by the local planning authority.

6. The dwelling hereby permitted shall not be occupied until the northern sections of the existing barn, indicated on drawing references '8028-10a, 8028-09a, 8028-08a and 8028-06a' submitted on the 30 April 2025 have been demolished and all materials resulting from that demolition have been removed from the site.

****END OF CONDITIONS****