



Appeal Decision

Site visit made on 7 October 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/W1850/W/25/3369577

83 Tower Hill, Upper Dormington, Herefordshire, HR1 4ED

- 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 Richard White against the decision of Herefordshire District Council.
 - The application Ref is 242957.
 - The development proposed is conversion of redundant agricultural storage barn to a dwelling.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. I have used the address from the appeal form within the banner heading as this more accurately describes the address and reflects the planning history submitted to me.
3. 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) is the relevant legislation. The Order was amended on 21 May 2024. However, transitional arrangements were in place which allowed applicants to apply under the Order as it stood prior to 21 May 2024. The appeal before me was submitted under the transitional arrangements.
4. The Order, in force at that time, permitted the change of use of a building, and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses). Amongst other limitations, development is not permitted if the site was not used solely for an agricultural use as part of an established agricultural unit on the relevant date.
5. The Council may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the Council to establish whether the proposed development complies with, the limitations, restrictions or conditions set out in paragraphs Q.1 and Q.2.
6. The Council's reasons for refusal relate to whether or not the building was an agricultural building as part of an established agricultural unit. The reasons also contend that the extent of the work exceed that reasonably necessary to convert the building, that the external dimensions would exceed the dimensions of the existing building, that the proposed curtilage would not comply with the definition of curtilage in the Order, that an extension has been built before prior approval was sought, that the development would have adverse transport and highway impacts,

and that the location of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.

7. 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 the appeal building is an agricultural building

8. Paragraph X of Part 3 of the Order defines “agricultural building” as a building used for agriculture and which is so used for the purposes of a trade or business and defines “agricultural use” to such uses.
9. At the time of my visit the building was in use in association with the keeping of poultry on the land within the red and blue edge of the application site. It was occupied as a hobby farm for keeping a small number of livestock/poultry and the building was in use for storage and workshop use associated with the that use. It was in poor condition with sections of walls and the roof missing or covered with plastic sheeting. The tiled part of the roof, which is subject to previous enforcement case, was still present at my visit. It also had no windows or doors in the openings.
10. I have been made aware of the extensive planning history and that the appeal building was originally a dwelling but that use was abandoned. Although the evidence shows that the Council accepted that the building was capable of being used for agricultural or forestry uses, and even with the photographs showing the building previously in use for storage of bales, I have insufficient evidence that the building has been used for the purposes of trade or business, as is required for a building to fall within the definition of an “agricultural building” or “agricultural use” for the purposes of conversion under Class Q. I have not been provided with evidence that the land edged red and blue would be capable of being an agricultural unit for the purposes of the Order, and insufficient evidence that the building formed part of a larger agricultural unit at the relevant date.
11. Consequently, even if the land and building are being used for the keeping of poultry and other livestock the use would not fall within the definition of agricultural use or agricultural building set out in the Order. The proposal would, therefore, not fall to be considered under Class Q of the Order.
12. Notwithstanding my findings on whether the proposal is an agricultural building for the purposes of Class Q, the curtilage proposed would not comply with the definition of curtilage set out in Paragraph X of the Order as it is larger than the area occupied by the building. Although the appellant could alter the size of the curtilage this is not what is before me and I have determined the appeal as submitted.
13. The Structural Inspection (Stuart Derbyshire Chartered Civil Engineer), which was submitted as part of the appeal, is nearly ten years old and also relies on work previously carried out that is subject to enforcement. I have no compelling evidence that it is still an appropriate assessment of the condition of the building and I, therefore, cannot be certain that the building operations required to enable it to function as a dwelling would fall within the works permitted within the Order.

14. Moreover, even if I accept the appellant's argument that no extensions have been demolished, the proposal would increase the height of the roof of the lean-to section of the building. This would result in the external dimensions of the building exceeding the existing dimensions, contrary to Q.1(h). The appeal has been submitted under the transitional arrangements, where the Order does not allow for extensions to the building, even if the amended version of the Order would.
15. Where the developer has provided insufficient information to establish whether the development complies with any conditions, limitations, or restrictions in Part 3, under paragraph W(3) of the Order, an application may be refused. Based upon the evidence before me, I am not able to conclude that it has been demonstrated that the building, or the appeal site, were used for an agricultural use as defined by Class Q of the Order. Moreover, the curtilage would be larger than the definition within Paragraph X, I cannot be certain that the building works would comprise conversion, and the building would exceed its existing dimensions. Therefore, it is not demonstrated the proposal falls within the definitional scope of permitted development under Schedule 2, Part 3, Class Q of the Order and would not constitute permitted development.

Other matters

16. The conditions set out in paragraph Q.2(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light. Given my findings above I have not assessed the proposal against Q.2 of the Order.

Conclusion

17. For the reasons given, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the Order. Therefore, the appeal does not succeed.

K Townsend

INSPECTOR