



Appeal Decision

Site visit made on 22 September 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2025

Appeal Ref: APP/R2520/W/25/3366193

E M Key & Son, Glebe Farm, Burton Pedwardine, Sleaford NG34 0BX

- 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 Fraser Key against the decision of North Kesteven District Council.
 - The application Ref is 24/1061/PNND.
 - The development proposed is the conversion of an agricultural building at Glebe Farm into 1no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amendments to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument (SI) 2024/579. Article 10 of SI 2024/579 sets out transitional arrangements allowing applicants to make an application for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020) until the end of 20 May 2025, in respect of development that would have been permitted under Class Q before 21 May 2024 but that would no longer be permitted under Class Q on and after this date. The appellant sought prior approval under the transitional arrangements. I have thus considered the appeal on this basis, and the main issues below reflect the paragraphs of the GPDO 2020 (herein after referred to as the GPDO).

Main Issues

3. The main issues are:
 - whether the change of use would represent permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO); and
 - if the proposal is permitted development whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses), in terms of the living conditions of future occupiers with particular regard to noise and disturbance.

Reasons

4. The appeal site is located at the access point on Helpringham Road to the large yard area at Glebe Farm. The main focus of Glebe Farm is wine production. The proposal seeks to convert the triangular steel frame metal clad building, initially used for grain storage into a four bedroom dwelling. The yard area comprises numerous substantial metal clad agricultural type and timber buildings in a variety of uses including a vineyard shop and tasting room. The yard area leads to holiday accommodation.
5. Class Q.1.(a) (i) of Part 3 of Schedule 2 of the GPDO states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.
6. Schedule 2, Part 3, paragraph X of the GPDO further sets out that for the purposes of Part 3 permitted development rights, 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and 'agricultural use' refers to such uses. Whether or not the site was used solely for an agricultural use as part of an established agricultural unit on or before the relevant date is a question of fact to be determined on the evidence provided.
7. The appeal building was granted permission as a grain store in 1963. There is no evidence before me that it was not in agricultural use on or before 20th March 2013. However, the Council contends that it received a complaint that the building was being used for car hobbyist storage and maintenance from June 2020 which amounted to a material change of use which prevents the proposal being able to comply with the requirement that the site was solely used for agriculture for a period of at least 10 years.
8. In response to the enforcement team in 2020 the appellant submitted an application¹ (*'the 2020 application'*) which the Council described as *'change of use from agricultural general purpose building to storage and maintenance for car hobbyists (part retrospective)'*. The Council provided a dated copy of this application form, which indicated the use had started. The 2020 application form states that the appellant submitted the planning application following advice that it was needed for a car hobbyist doing work on their own cars as well as repairing and maintenance on the farm vehicles and machinery.
9. Despite the above, the main thrust of the appellant's case is that the building was only used for a short period of time for the repair of their own vehicles, the Council returned the application and ultimately did not pursue enforcement action. The appellant therefore contends that due to the above and as no permission was granted that a material change of use (MCU) did not occur.
10. I acknowledge the appellant's point that there has been no further action taken by the Council and no formal change of use of the building. The Council confirmed that the application was returned due to insufficient information. It also stated

¹ Council Reference: 20/01375/FUL

enforcement action was not pursued because agricultural vehicles could legitimately be repaired/fixed within the building and the use of the building for the repair of agricultural vehicles and machinery could reasonably relate to agriculture. It advised that the hobbyist use was not significantly different to that level of activity. However, at that point in time the Council was not then assessing whether the barn was used '*solely*' for agriculture in the terms of the GPDO.

11. A hobbyist workshop for cars, would not typically be regarded as ordinarily and reasonably incidental to agriculture, or for the purpose of paragraph X of the GPDO. Whilst the appellant maintains that the building was used for repair of their own vehicles and agricultural machinery, this conflicts with the statement contained on Part 5 of the 2020 application form, and evidence advanced by the Council that the appellant stated the use occurred in a period when they had some work done on their own vehicles by an independent engineer not working at the time, who was also permitted to park and work on their own vehicles.
12. Under paragraph W of the GPDO, the Local Planning Authority may refuse an application where the developer has provided insufficient information to establish whether the development complies with any conditions, limitations or restrictions in Part 3. The onus of proof is on the appellant as regards demonstrating that the restrictions of paragraph Q.1 are satisfied.
13. There is no evidence before me to substantiate the precise extent to which it was used to repair agricultural machinery or vehicles. No photographic evidence is available from that time, nor documentary evidence. It would have been possible to provide a sworn affidavit or statutory declaration detailing personal knowledge of the use made of the building and the dates. The evidence in relation to how the building was used in that time is inconclusive, and it is not sufficiently precise and unambiguous to establish, on the balance of probabilities, that the barn was used "*solely for an agricultural use*" for a period of at least 10 years.
14. On the basis of the evidence before me, there is uncertainty as to whether the site was used solely for an agricultural use as part of an established agricultural unit within the requirements of Schedule 2, Part 3, Class Q paragraph Q.1(a) of the GPDO. Accordingly, the proposal would not be development permitted by Class Q.
15. Consequently, on these grounds alone I conclude that the proposals would not be permitted development under Schedule 2, Part 3, Class Q of the GDPO. Having reached this conclusion there is no need for me to consider any other criteria for permitted development, or the other main issue.

Other Matters

16. My attention has also been drawn to an appeal decision from 2018 referred to in support of this appeal². The full details of that case are not before me and ultimately each case must be determined on its individual merits. However, from the decision it appears that this related to an agricultural building, which had some sporadic non-agricultural use. The Inspector in that case highlighted that the evidence was incomplete and finely balanced, and ultimately insufficient to demonstrate that a material change of use had occurred. The same cannot be said in this appeal case as the evidence suggest that a non-agricultural use had started. Therefore this decision does not lead me to a different conclusion.

² Appeal Ref: APP/X1545/W/18/3198348

Conclusion

17. For the reasons given above the appeal should be dismissed, and prior approval refused.

K Williams

INSPECTOR