



Appeal Decision

Site visit made on 9 September 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/N4720/W/25/3369216

Wigton Heath Farm, Manor House Lane, Alwoodley, Leeds LS17 9JD

- 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 Park Lane Homes and Alwoodley Golf Club against the decision of Leeds City Council.
 - The application Ref is 25/01331/DPD.
 - The development proposed is change of use of buildings on agricultural units and former agricultural buildings to form two dwelling houses (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not provide a description of the proposed development but refers to details in the planning statement. The description used in the banner heading above is used by the Council in their decision notice and this has also been used by the appellant on the appeal form. This corresponds with details in the application documents, and I have determined the appeal on this basis.
3. Where an appeal proceeds by written representations, the final comments stage gives the main parties an opportunity only to respond to evidence submitted earlier. The Council objects that the Rebuttal Statement submitted by the appellant at the final comments stage contained substantial new evidence. I can understand the Council's concern, although the Rebuttal Statement has not altered my decision as explained further in my reasoning below.

Background and Main Issue

4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) was amended on 21 May 2024. The application subject to this appeal was made after that date but under transitional arrangements, so that it relates to Part 3, Class Q of Schedule 2 to the GPDO as in force before 21 May 2024, not as in force today.
5. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO as was, planning permission was granted, subject to limitations and conditions, for development consisting of (a) a 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), or (b), such a change of use together with building operations reasonably necessary to convert the building.

6. Crucially for this appeal, the ‘permitted development’ (PD) rights set out under Q(a) and Q(b) apply to the change of use of “a” building singular; the reference to “the building” under Q(b) adds weight to that interpretation. It is permissible under Class Q to change the use of one building to more than one dwelling, or to change the use of different buildings to separate dwellings, but it is not PD to create a single dwelling out of more than one building¹.
7. The submitted plans refer to the two proposed dwellings as “Plot 1” and “Plot 2”. There is no dispute that the proposed change of use in respect of Plot 2 would be PD. The main issue for this appeal is whether one or more buildings would be subject to the proposed change of use at Plot 1.

Reasons

8. The appeal relates to predominantly brick built buildings situated within a larger U-shaped group of agricultural buildings of varying form and condition, sited around a central courtyard at Wigton Heath Farm. The proposed dwellings would stand on either side of the courtyard, with Plot 1 to the west and Plot 2 to the east. The courtyard is and the dwellings would be served by the main farm access road. Other adjoining buildings within the larger group are not subject to the appeal, and the submissions indicate that these have been subject to a separate application for their demolition.
9. The building or buildings subject to the proposed change of use for Plot 1 can be neutrally described as comprising attached rectangular structures. The structures are both formed of brick, and their rear elevations form a continuous straight line. They are also connected by a shared metal roof and an internal pipe.
10. However, the northern rectangle is both deeper and higher than that to the south, meaning that the ridge of the southern rectangle is significantly further west (when looked at from above) as well as lower in height. Any single building may have components with different forms, but the “join” between the northern and southern rectangles is apparent in the metal roof.
11. The join is also marked by a solid brick and render internal wall. It is not currently possible to move between the structures without going outside, and so the works to facilitate the proposed development would include the creation of a door opening within this dividing wall. I realise that internal works do not normally require planning permission in their own right, but that does not mean the need for an opening is immaterial to the question as to whether more than one building would be subject to the change of use.
12. The term “building” can mean “part of a building” under Article 2(1) of the GPDO. Whether adjoined structures are deemed to comprise one or more buildings must be considered on a fact and degree basis. Notwithstanding the appellant’s discussion relevant to other parts of the GPDO and its intentions, terraced or semi-detached dwellings are typically considered to represent separate buildings even though they are not only connected but also identical in form. I consider that the presence of the solid internal wall at the same point as the change in the size and shape between the northern and southern rectangles means that the proposed development would not amount to a change of use of “a” building or be permitted under Part 3, Class Q.

¹ As noted in the Chelmsford appeal decision (ref APP/W1525/W/20/3263156), dated 6 September 2023, cited by the Council.

13. The evidence of both parties highlights the various ways in which the buildings at the wider site have been described, both through this application and its planning history. These generally refer to a group of buildings rather than a single structure, although terms have been used interchangeably. The appellant's Structural Report² submitted in support of the current proposal describes Plots 1 and 2 as two agricultural buildings that can be split up into three different sections. However, the appellant's Bat Roost Suitability Assessment³ and Bat Emergence Survey Report⁴ refer to two buildings in the area for Plot 1. Whilst those reports do not address whether the proposed change of use would be PD, they highlight that the buildings have distinct and separate characteristics, and that a reasonable observer could conclude that the northern and southern rectangles are not one building.
14. I have no remit to adjudicate whether any structures outside of the appeal site are self-contained buildings, but I can say that the appellant's discussion of that matter does not alter my conclusion in respect of Plot 1. The same is true of the discussion on the Bimbo Farm⁵, Rose Cottage⁶ and Miry Carr Farm⁷ cases where the Council granted prior approval for changes of use and has provided further comments in response, the appeal decisions relating to Bell Farm⁸ and Bleak House⁹ referenced in the appellant's Rebuttal Statement, and the Chelmsford appeal decision cited by the Council. From the evidence before me, there were material differences between all of those schemes and this before me. This includes the scope of the main issues considered in the Bell Farm and Bleak House appeals. Whilst the Chelmsford scheme features separate and detached buildings, it is relevant to the main issue before me in considering the change of use of one or more buildings. I have properly exercised my planning judgment on the facts before me.
15. For the reasons given above, I conclude that more than one building, as a matter of fact and degree, would be subject to the proposed change of use to create a single dwellinghouse at Plot 1. Such development would not be permitted by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

16. The proposed development would assist in meeting Government aims to increase the delivery of housing. The appellant has also referred to consultation documents indicating Government support for taking a flexible approach to changes of use. Those points cannot alter my decision because my remit here is simply to decide whether the proposal should be permitted with regard to the relevant wording of the GPDO.
17. The Council refused to grant prior approval partly on the basis that the appellant failed to provide an up-to-date ecological survey. The appellant has since provided further information, and the Council has conceded that any need for mitigation could be addressed by imposing conditions on a grant of prior approval. However, as the matters for prior approval apply only if the proposal is PD, there is no need

² PDS Design Ltd, Project No: 22149, dated 13 January 2025

³ Brooks Ecological, Bat Roost Suitability Assessment ref ER-6208-01A, dated 25/05/2022

⁴ Brooks Ecological, Bat Emergence Survey Report ref: ER-6208-02, dated 13/06/2022

⁵ Planning application ref 23/06509/DPD

⁶ Planning application ref 17/00414/DPD

⁷ Planning application ref 22/05138/DPD

⁸ Appeal Decision ref APP/K0235/W/23/3314830, dated 8 September 2023

⁹ Appeal Decision ref APP/G2435/W/22/3299516, dated 10 November 2022

to consider whether prior approval should be granted in respect of this or any of the other matters.

18. The appellant's concerns over the Council's handling of the application are outside of my remit.

Conclusion

19. For the reasons given above, and with regard to all other matters raised, I conclude that more than one building, as a matter of fact and degree, would be subject to the proposed change of use to create a single dwellinghouse at Plot 1. Such development would not be permitted by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. Therefore, the appeal should be dismissed.

N Armstrong

INSPECTOR