



Appeal Decision

Site visit made on 7 October 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/P3040/W/25/3368868

Willowbrook Farm, Flawforth Lane, Ruddington, Nottinghamshire, NG11 6NG

- 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 Hilton Property Group Ltd against the decision of Rushcliffe Borough Council.
 - The application Ref is 25/00636/PAQ.
 - The development proposed is conversion of an existing Steel Framed Agricultural Barn to one house (435m2).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 May 2024, SI 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Article 10 of this SI introduced transitional arrangements so that any development that was permitted under Class Q immediately before 21 May 2024 but is no longer permitted as a result of this Order will continue to be permitted for a further 12 months. The case was submitted to Rushcliffe Borough Council prior to 21 May 2025 with a request for it to be assessed against the requirements of the old Class Q within the GPDO. I have determined the appeal on this basis.
3. During the determination of the application, the appellant submitted a revised plan showing the proposed curtilage for the dwelling. The Council had regard to this plan in determining the application. I do not consider that there would be unfairness by my determining of the appeal with regard to the revised plan.

Main Issue

4. The main issue is whether the proposed works would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the agricultural use of the building as part of an established agricultural unit and curtilage.

Reasons

Use of the building and agricultural unit

5. The appeal building is a steel framed, metal clad shed, accessed via a private track from Flawforth Lane, which also serves nearby residential buildings. At the time of my visit the building was used for storage of materials associated with the

building of a dwelling in the vicinity of the proposal along with other items including machinery.

6. Paragraph Q.1(a) 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 20 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 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
7. Schedule 2, Part 3, Paragraph X defines an agricultural building as one used for agriculture for the purposes of a trade or business. An ‘established agricultural unit’ is defined in Paragraph X as ‘agricultural land occupied as a unit for the purposes of agriculture’. Whether or not this is the case is a matter of fact and degree based on the merits of the case and the evidence presented.
8. The agricultural barn was granted permission for the change of use to form stables in 2008 but the appellant contends that this permission was not implemented.
9. I have had regard to the evidence submitted by the appellant, including aerial photographs and veterinary invoices. The evidence indicates that there were sheep on the land and that some of the land was used for grazing. Nevertheless, neither the photographs nor invoices specifically demonstrate the use of the building in question. Moreover, the planning history and remnants of a manege point to actual or intended equestrian activity in close proximity. Hence, there is little conclusive evidence before me to confirm that the building itself was solely used for agricultural purposes or the extent of the agricultural unit in the timeframe required by the GPDO.
10. From the evidence before me, notable doubt remains as to whether the building was solely used for agricultural use as part of an agricultural unit. The proposal does not, therefore, meet the requirements of Paragraph Q.1(a) of the GPDO and so does not benefit from the rights set out under Class Q.

Curtilage

11. Paragraph X of the GPDO also defines ‘curtilage’ for the purposes of Class Q as: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. It is a condition with which the proposed development must comply.
12. As requested by the Council during the assessment of the application, the appellant submitted an additional plan which showed the proposed curtilage of the agricultural building delineated by a blue line. While there are no measurements before me, from the blue line plan the extent of the proposed curtilage would be larger than the land occupied by the agricultural building.
13. As such, the proposal does not comply with the provisions of Q (a) of the GPDO and in this regard, would not be permitted development.

Other Matter

14. I note the appellant's concerns regarding the Council's handling of the case. However, this is not a matter that falls within the limited scope of my determination in relation to class Q of the GPDO. As such, it does not lead me to a different conclusion.

Conclusion

15. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR