
Appeal Decision

Site visit made on 21 October 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/R1845/W/25/3368172

Harvington Hall Farm, Harvington Hall Lane, Harvington DY10 4LR

- 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 D P Broadhurst Ltd against the decision of Wyre Forest District Council.
 - The application Ref is 25/0302/PNR.
 - The development proposed is described as: proposed change of use of an agricultural building to residential (Class C3) and associated operational development to create 1no. dwelling.
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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 the proposed change of use of an agricultural building to residential (Class C3) and associated operational development to create 1no. dwelling at Harvington Hall Farm, Harvington Hall Lane, Harvington DY10 4LR in accordance with the application 25/0302/PNR, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No 579 (the SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). Article 10 sub paragraph 1 of the SI allowed a transitional period until the 21 May 2025 whereby an application could be determined either under the original or amended Class Q of the GPDO. The appellant has indicated that they sought consent under the Order as it stood prior to 21 May 2024. The Council considered the application on that basis and so shall I.
3. The appellant has submitted an amended site plan showing that the three grain silos, adjacent to the appeal building, are within the ownership of the appellant. As this plan is for information only and has no material bearing on my consideration of the operation of the GPDO, but may affect the conditions I choose to impose, I have accepted this amended plan.

Background and Main Issue

4. The application was made under Article 3(1) and Schedule 2, Part 3, Class Q, of the GPDO (as amended) (as of August 2020), (hereafter referred to as 'Class Q'). This 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 subject to certain limitations and conditions. Consent is sought pursuant to Class Q(a) and Class Q(b).

5. Paragraph Q1 provides a list of exclusions as to when development would not be permitted by Class Q. In this regard the Council's case is that the proposal would comply with all the limitations and restrictions set out in Paragraph Q1. Based on the available information, I have no reason to reach a different finding.
6. The deemed permission under Class Q is conditional upon the applicant first applying to the local planning authority for a determination as to whether its prior approval would be required as to the matters set out in Paragraph Q2(1). Of particular relevance to this case are criteria (b) and (e). Respectively, these relate to the noise impacts of the development and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse.
7. Consequently, the main issue is whether the proposed dwelling would provide acceptable living conditions for future occupiers, with regard to noise impacts from neighbouring buildings and operations, and whether any land use conflicts can be satisfactorily addressed using planning conditions.

Reasons

8. The appeal concerns a detached, steel framed, dual-pitched roof barn with concrete floors, low block walls, and steel cladding. The building is located within the farmstead of Harvington Hall Farm which comprises the former farmhouse, several converted barns to domestic uses/other dwellings, stables, grain silos, and other agricultural buildings. Access to the site would be from an existing farm track off Harvington Hall Lane which runs to the southern side of the appeal building and other existing buildings and dwellings.
9. The appellant states that the farm no longer has any livestock or grows any arable crops. They also assert that the adjacent grain silos are no longer used, and the adjacent building is in use as a domestic garage, both of which I observed during my visit. The appeal site is adjacent to other buildings in domestic use. Many of the buildings are served by an existing hardstanding driveway with domestic landscaping, to the western side of the appeal site. During my visit, whilst only a snapshot in time, there were no visible signs within the wider site, of farming activities taking place. The stables, located some 25m from the appeal building, did however appear to be used.
10. Article 3(1) and Schedule 2, Part 3, Class W, paragraph 10) (b) of the GPDO (as amended) states that regard should be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. Paragraph 135 of the Framework advises that a high standard of amenity for future users should be sought.
11. Whilst the adjacent fields may be used for agricultural activities including livestock, noise and odour from these activities would not be over and above that which residential uses within the open countryside and those adjacent to the appeal site are already subject to. As the farm no longer has any livestock, the potential for the stables to be used in the future to house sheep is low. Although there are

stables, they are a considerable distance from the appeal building and so any noise from them would be limited. Also, due to the level of domesticity that has occurred within the area of the farm that the appeal building is located, I consider that the proposed dwelling would not be subject to levels of noise and odour from adjacent uses sufficient to conclude that the conversion of the appeal building would be undesirable due to its location.

12. The grain silos appear redundant. The appellant asserts that they could not be brought back into use as they no longer meet the relevant regulations and, in any event, are no longer required as the farm has no livestock to feed. I see no reason to disagree with these assertions. The appellant has however, submitted a revised site plan which shows that the silos are within the ownership of the appellant and are to be removed. Whilst their removal would significantly reduce any potential noise impacts from adjacent uses for future occupiers, this would not be a necessary requirement to grant prior approval.
13. Although the adjacent building would remain, it is unlikely that this would ever revert to agricultural use or change to another bad neighbour use, given that it is in common ownership with the wider farmhouse – the occupiers of which would have a keen interest in protecting their amenity.
14. The Council is satisfied that the proposal complies with the other restrictions and limitations specified in Paragraph Q1. Based on the information provided, I have no reason to take a different view. I therefore conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, as amended.
15. The Council does not raise any objections in relation to the transport and highways impacts of the development, flooding risks on the site and the design or external appearance of the building. Based on the information before me, I have no reason to take a different view. Although the Council state that prior approval is required in respect of contamination risks on the site, they confirm that such matters could be addressed by condition. I find no reason to conclude that a suitably worded condition could not adequately address any potential land contamination concerns.
16. Accordingly, I conclude that, subject to appropriate conditions being imposed, the proposal would provide a high standard of living conditions/amenity for future occupiers in accordance with the National Planning Policy Framework. The scheme is acceptable having regard to the matters for which prior approval is required.

Conditions

17. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework.
18. Paragraph W (13) of Schedule 2, Part 3 of the GPDO states that conditions which are “reasonably related to the subject matter of the prior approval” may be applied. Paragraph Q2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.

19. Paragraph W (12) of Schedule 2, Part 3 of the GPDO requires that the development must be carried out in accordance with the details that are approved, and a plans condition would not therefore be required. However, in the interest of certainty and following the submission of an amended site plan, I have attached a condition requiring the development to be undertaken in accordance with the approved plans, which include the amended site plan. As there could be a range of contaminants present on site due to its agricultural use, I consider it necessary to include a contaminated land condition to ensure that risks from contamination to the future occupiers are minimised.
20. In the interests of highway safety, I have also imposed a condition relating to the construction, drainage and surfacing of the access, parking, and turning areas to ensure that the materials and drainage are appropriate and maintained in perpetuity. A condition relating to external lighting is also considered necessary to minimise light pollution relating to the protection of bats as a protected species.
21. The Council has suggested that a condition requiring the removal of the three grain silos is unable to be secured. However, whilst a suitably worded condition could be attached to secure the grain silos removal, I do not consider a condition necessary as I have accepted the appellants assertion that they do not meet current regulations and cannot therefore be brought back into active use. As such, their removal would be unnecessary.

Conclusion

22. The proposal would satisfy the requirements and limitations set out in Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. I therefore find that the appeal should be allowed, and prior approval is granted, subject to the standard conditions set out in paragraph Q2 of Class Q and to the additional conditions specified in the attached schedule. In granting approval, the Appellant should note that in accordance with paragraph Q.2.(3) of the Order, the appeal development must be completed within a period of 3 years of the date of this decision.

P Brennan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be undertaken in accordance with drawing numbers 24-772-2, 24-772-3 and 24-772-4 (showing both the red and blue line site boundaries).
- 2) If contamination is found at any time when undertaking the approved development that was not previously identified it must be reported immediately to the local planning authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be undertaken as part of an approved remediation scheme, unless otherwise agreed by the local planning authority, until requirements a) to d) below have been complied with:

 - a) Detailed site investigation and risk assessment shall be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment shall be designed to assess the nature and extent of suspected contamination and approved by the local planning authority prior to any further development taking place.
 - b) Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors shall be prepared, submitted to and approved in writing by the local planning authority in advance of undertaking the remediation scheme. The remediation scheme shall ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The approved remediation scheme shall be undertaken in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to undertake remediation, unless otherwise agreed in writing by the local planning authority.
 - d) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation undertaken shall be produced, submitted to, and approved in writing by the local planning authority prior to the occupation of the building.
- 3) The development hereby approved shall not be occupied until the access, parking and turning area as detailed on drawing number 24-772-4 has been consolidated, surfaced, and drained in accordance with details to be submitted to and approved in writing by the local planning authority. The access, parking and turning areas shall thereafter be maintained in accordance with the approved details for the life of the development.
- 4) Prior to the installation of any external lighting in connection with the development hereby approved, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details for the life of the development.