



Appeal Decision

Site visit made on 12 November 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/W2845/W/25/3370993

Coe Farm, Stanford Road, Cold Ashby, West Northamptonshire NN6 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure 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 Trustees of Judith Glass Farm Trust against the decision of West Northamptonshire Council.
 - The application Ref is 2025/1937/PA.
 - The development proposed is change of use of agricultural buildings and land within their curtilage to three no. dwellinghouses and for associated building operations to convert the buildings.
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Decision

1. The appeal is dismissed.

Background

2. 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 GPDO), planning permission is granted for the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses, subject to limitations and conditions.

Background and Main Issue

3. The Council did not determine whether prior approval was required and granted, or not. The dispute between the parties is whether an application for prior approval in accordance with paragraph W of Schedule 2, Part 3 of the GPDO was submitted and, if so, whether the Council determined that application within 56 days, starting from the day after it received the application.
4. The contention is that if a valid application was submitted, then prior approval is deemed to be granted, if the Council did not issue a decision within 56 days, starting from the day after it received the application. Accordingly, the main issue is whether prior approval for the proposed development is deemed to have been granted.

Reasons

5. Sub-paragraph W(1) of Schedule 2, Part 3 of the GPDO outlines that the provisions within paragraph W apply where a developer is required to make an application under Part 3 to a local planning authority for a determination as to whether the prior approval of the authority is required. Sub-paragraph W(2) of Schedule 2, Part 3 of the GPDO specifies the information that an application for prior approval must be accompanied by.

6. Sub-paragraph W(11) of Schedule 2, Part 3 of the GPDO indicates that development must not begin before the occurrence of one of the specified circumstances. This includes the expiry of 56 days following the date on which the application under sub-paragraph W(2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
7. Sub-paragraph W(2)(bc) indicates that an application in relation to development proposed under Class Q of Schedule 2, Part 3 of the GPDO must be accompanied by a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.
8. The Proposed Plans¹ for the proposed dwellinghouses shows the total floor space in square metres of each dwellinghouse, the proposed use of each room, the position of windows, doors and walls, and the elevations of the proposed dwellinghouses.
9. The GPDO does not define “dimensions” but the plain English definition is a measurable extent of a particular kind, such as width, height, or depth. The Proposed Plans do not include this information. However, the Proposed Plans do include a scale bar from which the dimensions of each room and the proposed windows, doors and walls could be measured.
10. Nonetheless, sub-paragraph W(2) of Schedule 2, Part 3 of the GPDO is explicit that the application must be accompanied by a floor plan indicating the dimensions of each room and windows, doors, and walls. As the Proposed Plans do not include dimensions the submitted information would not comprise an application under sub-paragraph W(2) of Schedule 2, Part 3 of the GPDO.
11. I note the letter, dated 3 July 2025, and email, dated 21 July 2025, from the Council which indicate that the application had been validated. However, it is established by caselaw² that irrespective of whether the local planning authority has validated an application or issued a decision, that an inspector can only determine an appeal if they are satisfied that a valid application has been made. For the reasons given above, I am not satisfied a valid application was made.
12. I also acknowledge that the appellant made the application for prior approval under the transitional agreement specified within Article 10 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024. Notwithstanding this, sub-paragraph W(2)(bc) of Schedule 2, Part 3 of the GPDO was not amended by that Order. Consequently, this does not alter my assessment of the appeal proposal.
13. As an application meeting the full requirements of sub-paragraph W(2) of Schedule 2, Part 3 of the GPDO was not received by the Council, the 56-day period specified in sub-paragraph W(11) of Schedule 2, Part 3 of the GPDO did not commence. Consequently, prior approval for the proposed development is not deemed to have been granted.

¹ Drawing Nos. 2104-04, 2104-05, and 2104-06

² Geall v SSE (1997) 78 P. & C. R 264

Other Matters

14. I acknowledge that prior approval³ was previously granted under Class Q of Schedule 2, Part 3 of the GPDO for the change of use of the buildings subject to this appeal. This is a material consideration. Nonetheless, paragraph W of Schedule 2, Part 3 of the GPDO does not include a provision to assess the planning history of a site when determining whether prior approval is deemed to have been granted, or not.

Conclusion

15. For the reasons given above the appeal should be dismissed, prior approval is required and not deemed to have been granted.

J Hobbs

INSPECTOR

³ Prior Approval Ref. WNDPD/2023/0010