



Appeal Decision

Site visit made on 7 November 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/X1545/W/25/3372803

Land between Tofts Chase and Bassetts Lane, Woodham Walter, Essex CM3 4BZ

- 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 Ryan Parsons against the decision of Maldon District Council.
 - The application Ref is 25/00418/PACUAR.
 - The development proposed is change of use of an agricultural building to one dwellinghouse (Use Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the appeal form rather than the application form as it more clearly identifies the location of the site. I have taken the description of development from the application form, removing wording that does not form an act of development.

Background and Main Issue

3. In the interests of clarity, the appellant wishes to rely on the Class Q legislation as most recently amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 as opposed to the previous legislation that remains capable of being utilised for applications made up until 20 May 2025.
4. Class Q. (a) (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to a use falling within use class C3 (dwellinghouses).
5. Class Q1. (a) states that development is not permitted by Class Q if in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit on 24 July 2023 or where the site became a part of the established agricultural unit after 24 July 2023, for a period of at least 10 years before the date development under Class Q begins.
6. The Council assert that there is insufficient evidence to demonstrate that the appeal building is part of an established agricultural unit. The main issue in this case is therefore whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

7. The appellant asserts that the site forms part of an established agricultural unit. An established agricultural unit is defined by Paragraph X of Part 3 of the GPDO as agricultural land occupied as a unit for the purposes of agriculture, for the purposes of Class Q, on or before 20 March 2013 or for 10 years before the date the development begins.
8. The submitted Agricultural Use Report (AUR) identifies that the site was in agricultural use historically and up until the latter half of the 20th Century. Permission was granted for the appeal building in 1986 with the description of development identified as demolition of semi-derelict barn and erection of new hay barn and implement store. Whilst the AUR asserts that the appeal building is clearly in agricultural use throughout that period, in all of the submitted photographs the doors are shut and it is not possible to see what the building was used for. It is also not clear what the field was used for from that evidence. I note there is a small trailer sited outside of the building in the photos from 2009, 2010 and 2019 nevertheless, there is no clear evidence of an agricultural use at those points in time.
9. Paragraph 3.10 of the AUR identifies some limited information about the sales particulars when the field was sold to the appellant in 2022. This information states that the field was a paddock comprised of 5.4 acres with a selection of modern and traditional barns, including the old apple house which offers potential for development (subject to planning consent). The introductory text refers to the land as being paddocks which provide level, well-fenced grazing for horses and ponies.
10. Therefore, whilst the AUR asserts that the use has always been agricultural, this is not conclusive, given it appears there was an equine use being noted in the sales particulars. Whilst I note that an interested party, who appears to be the previous owner, has submitted comments via another party and not direct to the Council, the comments made do accord with the AUR information in terms of the sales particulars. It is identified that the same person owned the field from 1979 until the field was sold in 2022. There is no evidence before me to dispute this assertion about the previous ownership of the field and appeal building.
11. Interested parties also state that under the previous owner the field was used for the keeping of horses prior to it being sold. It is not suggested that it was used for anything else, other than it being maintained by mowing it when it was not in use for grazing. I note the appellant's concerns that no planning permission was sought for an equine use by the previous owner. Nevertheless, based on the information before me it appears very likely that there was an equine use at the site for a considerable period, prior to the appellant purchasing it in 2022.
12. Whilst an equine use can amount to agriculture, this depends on the manner in which the horses are kept. Based on the information before me and without any detailed evidence to the contrary, it appears that it is more likely that the use prior to the appellant's purchase of the site was the keeping of horses for recreation. I am therefore not convinced that the land was in agricultural use on or before the 20 March 2013.
13. The submitted Statutory Declaration (SD) states that the appeal site was purchased by the appellant in April 2022 and that following this, it was used for commercial agricultural purposes by a local farmer for the grazing of sheep and

forage farming. Some of the submitted photographs demonstrate the presence of sheep at the appeal site between 4 December 2022 and 6 February 2023 and on 22 September 2024.

14. I therefore accept that there is evidence that sheep have grazed the field at the dates stated by the appellant in the SD and there is no compelling evidence to refute this. However, evidence of the purchase of a combination lock, temporary electric fencing and a small trailer along with the sourcing of a quotation for fencing does not provide any significant evidence of the use of the site. A County Parish Holding number is also not a determinative factor given it could relate to animals being kept, not for the purposes of agriculture.
15. In conclusion, I find that there is insufficient evidence to demonstrate that the appeal building is located on agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013 and therefore it would not meet the definition of an established agricultural unit as set out in Paragraph X of Part 3 of the GPDO. Consequently, the proposal does not meet the requirements of Class Q. (a) (i) or Class Q1. (a) which both require that the building or site is part of an established agricultural unit. Even if the use of the appeal site did revert back to an agricultural use when purchased by the appellant in 2022, and I was to find it did constitute agricultural land occupied as a unit for the purposes of agriculture from then on, this change would not have occurred at least 10 years before the date that the development would begin.

Other Matters

16. I note that the appellant has submitted a number of different applications, seeking to resolve issues raised by the Council and that they have been frustrated by the lack of engagement by the Council. I have also been provided with a limited extract referring to the contents of the SD stating that it would be sufficient to support the application. Whilst I understand that these matters are frustrating for the appellant, I must deal with the appeal before me on its individual merits.
17. The appeal site is located within the zone of influence of one or more European sites identified in the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). New residential development is likely to have a significant effect on the European Sites through the cumulative effects of increased recreational pressure. The Council is satisfied that the submitted Unilateral Undertaking would provide sufficient mitigation in this respect. Nevertheless, given my findings above and as I am dismissing the appeal for other reasons, there is no reason for me to consider this matter further as part of this appeal.

Conclusion

18. For the reasons given above, I find that the proposal would not be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. Consequently, the appeal is dismissed. Given my conclusion that it has not been demonstrated that the proposal would be permitted development, there is no need for me to consider the prior approval matters, as it would not alter the outcome of the appeal.

G Dring
INSPECTOR