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## Appeal Decision

Site visit made on 6 November 2025

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025

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**Appeal Ref: APP/W4705/W/25/3371480**

**Barn A, Land at Keighley Road, Silsden BD20 0EH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act), 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 Jonathan Smith against the decision of City of Bradford Metropolitan District Council.
  - The application reference is 25/02063/PAR.
  - The development proposed is Conversion of the existing building into a dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, which made changes to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, (the GPDO). While transitional arrangements were set out under the amending Order, which allowed a developer to make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025, the appeal scheme was applied for after this date. Therefore, I have considered the proposal against the latest version of the GPDO.

### Background and Main Issue

3. To be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, development must consist of (a) a change of use of - (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order, or (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or (c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building. In any case, the building must be, or must have been, part of an "established agricultural unit".
4. Paragraph Q1 of the GPDO specifies when such development is not permitted by Class Q, including Q1 c) when the floor space of any dwellinghouse exceeds 150

square metres, and Q1 g) when development under Class A(a) or Class B(a) of Part 6 of the GPDO (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins.

5. Paragraph Q.2(1) requires the developer to apply to the local planning authority to determine whether the prior approval of the authority will be required as to a number of specified matters.
6. Within its Decision Notice (DN) and Officer Report (OR) the Council questions whether the building is part of an established agricultural unit, given the use of the appeal building itself and use of the surrounding land. The extent of the floor space of the resulting dwellinghouse is also questioned.
7. During the course of the appeal, the views of both main parties were also sought on the GPDO's definition of an "established agricultural unit" at paragraph X, particularly the specified date/period therein, as well as, whether development under Class A(a) or Class B(a) of Part 6 of the GPDO has been carried out on the unit, and when.
8. Therefore, the main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO. More specifically, whether it has been established that the development involves the change of use of a building that is part of an established agricultural unit, or a former agricultural building that was (but is no longer part of an established agricultural unit, whether Part 6 Class A(a) or Class B(a) development has taken place on the established agricultural unit within the period specified in paragraph Q1 g), and whether the floorspace specified in paragraph Q1 c) would be exceeded.

## Reasons

### *Whether part of an established agricultural unit*

9. For the purposes of interpreting Part 3, a number of definitions are provided in the GPDO at paragraph X. "Site" means the building and any land within its curtilage. "Agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses. "Established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—for the purposes of Class Q or S, on or before 20th March 2013, or for 10 years before the date the development begins. Section 336 (1) of the Act includes examples of activities falling within "agriculture".
10. Also for the purposes of Part 3, paragraph W of the GPDO states that the local planning authority may refuse an application where, in the opinion of the authority, (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
11. There is dispute between the main parties as to the use of the appeal building itself, as well as the use of the wider holding and whether activities taking place are agricultural in nature.

12. The submissions indicate that the wider land holding associated with the appeal building extends to approximately 16ha, albeit I have no plans or evidence demonstrating this.
13. The appellant outlines that willow trees have been planted, with the intention for willow coppicing, to complement the existing cricket bat willow growing business. It is stated that willow is a long-term crop that can take 15-20 years to mature, and so different livestock have been kept on the land, including sheep. I am advised that bee hives have been introduced, fruit trees have been planted, and haymaking has been undertaken, to improve the commercial viability of the business. An agricultural holding number has been provided and pig herd reference number. Additionally, the appellant indicates that a campsite was introduced in 2022.
14. At my site visit, which I appreciate is only a snapshot in time, I was able to see that a large number of trees had been planted on the wider holding, including around the appeal building. I also observed the keeping of a number of pigs. However, the number of pigs kept has not been provided, nor has the number of sheep. I did not observe any fruit trees or bee hives, and I have no further information relating to location or scale of these operations, or the extent of any haymaking activities.
15. At present, the appeal building itself is used partly for storage. I observed what appeared to be a number of small farm type vehicles and machinery, some hay bales, bags of cut timber, as well as some construction materials, such as piping and insulation. It was also laid out in part with camping facilities, including a small kitchen area and seating. Outside the building, further camping facilities were evident, including an outdoor sink and drainer, water tank, chimineas, refuse facilities, and a washblock. Two timber chalets were positioned nearby.
16. From the level of information provided, I am unable to establish a clear picture of where and how the various activities within the land holding operate, or their extent, sufficient to be able to conclude that this is an established agricultural unit.
17. Even if I had been able to conclude that an agricultural unit exists, to meet the GPDO definition of “established agricultural unit” in paragraph X, the agricultural land must be occupied as a unit for the purposes of agriculture on or before 20th March 2013, or for 10 years before the date the Class Q development begins.
18. The available information indicates that the appellant purchased the land in 2016. Previous to this, the evidence suggests use as a sewage treatment works. On this basis, it does not appear that the holding comprised agricultural land occupied as a unit for the purposes of agriculture on the 20<sup>th</sup> March 2013, or for 10 years before the date the development would begin (this Class Q development). It is necessary for the holding to meet this definition of “established agricultural unit” in order to qualify as Class Q development under Q. (a), (b) or (c). This is regardless of whether the building itself was in situ on the 24<sup>th</sup> July 2023. As this is not the case, this is decisive for the appeal scheme in determining it does not qualify as Class Q permitted development.

*Whether Part 6 Class A(a) or Class B(a) development has taken place*

19. Part 6 Class A relates to agricultural development on units of 5 hectares or more. Part 6, Class A(a) permits works for the erection, extension or alteration of a building reasonably necessary for the purposes of agriculture within that unit.

20. The submissions indicate that the appeal building was the subject of an application for prior notification for an agricultural building<sup>1</sup>, in September 2018, albeit I have not been provided with the details of this application. While the Council suggests that the building may have been erected before this application was made, in email correspondence dated 23 August 2025, the appellant states the appeal building was constructed over the winter of 2018/2019, and I have no reason to question this.
21. As such, the available evidence suggests that development under Class A(a) of Part 6 of Schedule 2 of the GPDO has been carried out during the period 10 years before the date development would begin under Class Q. On this basis, the development is not permitted by virtue of paragraph Q1 g).

### *Floor space*

22. The existing building is constructed from a concrete slab, with steel frame, low breeze block walls with timber panelling above, and corrugated sheeting to the roof. The proposed plans show that the proposed dwelling would not utilise the whole floor space of the existing building. The steel frame would be retained but new exterior walls would be constructed to the south and east elevations, and partly to the north and west. To the south and east in particular, these new walls would be set in, and so the original steel frame and roof would extend beyond these new walls.
23. The Council accepts that the internal floor area of the proposed dwelling would fall within the 150sqm limit but notes that sections of the existing building would remain connected to the converted floor space, which would have a footprint of 317sqm.
24. Article 2(1) of the GPDO provides that, for the purposes of the Order, “floor space” means the total floor space in a building or buildings. I have taken this to mean that the floor space should be measured to the internal face of the perimeter wall, so as to exclude the external, but include the internal walls. Essentially, the whole enclosed area of the building within the external walls. This would exclude open sided covered areas or canopies. On this basis, the proposed plans show that the floor space of the proposed dwelling would not exceed 150sqm and the requirements of Q1 c) would have been met, had I been able to conclude that the proposal was permitted development in all other respects, which has not been the case.
25. Drawing all of these matters together in relation to this main issue, while the proposed floor space would fall within the parameters set by Class Q1.c), the appeal scheme is not permitted development under Schedule 2, Part 3, Class Q of the GPDO, given my findings in relation to whether the building is or has been part of an “established agricultural unit” and the undertaking of Part 6 Class A (a) development within the timeframe specified by Class Q1. g).

### **Other Matters**

26. Reference has been made to the economic and social benefits resulting from activities at the site. However, my decision relates only to whether the proposed development can be considered to be permitted development.

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<sup>1</sup> 18/03376/PNA

## **Conclusion**

27. For the above reasons, I conclude that the proposal would not constitute permitted development, and the appeal should be dismissed.

*S Brook*

INSPECTOR