



Appeal Decision

Site visit made on 18 November 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2025

Appeal Ref: APP/A1530/W/25/3368717

Barn to East of Greyhound Hill, Langham

- 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 Stevens on behalf of Tudor Trading Modular Ltd. against the decision of Colchester City Council.
 - The application Ref is 250566.
The development proposed is change of Use of Agricultural Building, sited on land to East of Greyhound Hill, to Dwellinghouse.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal relates to the conversion of an agricultural barn east of Greyhound Hill into one dwelling measuring 38sqm, with the additional fenestration added to the existing building. Schedule 2, Part 3, Class Q(a) of the General Permitted Development Order (GPDO) permits development consisting of 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). Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building or Class Q(c) of the GPDO permits building operations reasonably necessary to convert the building.
3. The Council refused the proposal on the basis that the new access track to the proposed barn conversion would constitute a significant new development and goes beyond what is reasonably necessary to convert the agricultural barn to a residential use. On this basis, the Council has concluded it does not comply with Q.2 1 (e), as the siting of the barn is undesirable. It is noted in the Council's Delegated Report that it is stated the track gives rise to concerns for both impractical and undesirable siting of the building.

Reasons

4. The barn is located a significant distance from Greyhound Hill, with a field as marked out by field boundary hedges and trees located between the barn and the road. There is an existing field access gate that provides vehicular access between Greyhound Hill and the adjacent field. The proposal seeks to create a new 3.8m wide track between the existing access onto Greyhound Hill across the

first field and open a new gap into the existing field boundary to provide access to the barn conversion.

5. The Planning Practice Guidance states ‘Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”... Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical’.
6. The proposed track would measure according to the Council approximately 200 metres long. Given the length of the access track, I find that it would go beyond what is reasonably necessary development to allow conversion of an agricultural barn and demonstrates that the barn is in an impractical location.
7. The appellant has provided an appeal¹, where the Inspector allowed a barn conversion and determined that the new access track would not harm the character and appearance of the area. However, the previous appeal had an access track length stated at 50 metres, while the current appeal is approximately 200 metres. Therefore, while it is noted that the Inspector’s conclusion regarding the tracks impact on the character and appearance the length of the track and position of the barn are significantly different.
8. While it is accepted that the track despite its length is unlikely to lead to harmful impact on the rural character. I find that this does not overcome the basic fact that the barn is located a significant distance from the public highway, requiring access across an agricultural field, making its conversion impractical and not sensible.
9. It is concluded that the proposed barn conversion would involve unreasonable levels of development to provide an access track to the barn and on this basis the barn is situated in an impractical location. Therefore, the proposal does not accord with Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

10. The appellant has not provided a completed template habitats regulation assessment (HRA). In any case, the grant of planning permission under Article 3(1) of the GPDO is subject to compliance with Regulations 75 to 78 of the Habitat Regulations. Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat, before works can be undertaken as permitted development. This requires a separate application to be made to the Council under Regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment.
11. Based on the evidence before me, it does not appear that an application to the Council under Regulation 77 has been made. However, as such an application could be submitted and potentially approved after a grant of prior approval, it is not determinative in respect of the main issues that I have examined and therefore I do not need to consider this matter further as part of this appeal.

¹ Appeal reference: APP/B3410/W/22/3311494

Conclusion

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

A Phillips

INSPECTOR