



Appeal Decision

Site visit made on 20 August 2025

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/U2750/W/25/3367701

Barn Adjacent to Bon Lea House, Little Smeaton, North Yorkshire, DL6 2HE

- 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 Stephen Hesmondhalgh against the decision of North Yorkshire Council.
 - The application Reference is: ZB25/00395/MBN.
 - The development proposed is described as: Conversion of former agricultural building to create four dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 79(1) of the Town and Country Planning Act 1990 (the Act) sets out that on an appeal under Section 78 of the Act, the secretary of state may either allow or dismiss the appeal, or reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.
3. This appeal concerns a proposal seeking to exercise the permitted development rights described in Part 3, Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereinafter the GPDO). Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2. Article 3(2) of the GPDO states that any permission granted by paragraph 3(1) is subject to any relevant exception, limitation or condition specified in Schedule 2.
4. Representations were received from an interested party which, amongst other matters, questioned whether the proposal fell within the scope of the Class Q permitted development rights and, in particular, whether the appeal building was part of an established agricultural unit on the relevant date.
5. Although the Council did not take up this point in respect of the status of the building, and have not cited it as part of the reason for refusal, I have not sought further submissions from the main parties on this matter as the appellant would have been aware of these representations and had the opportunity to address them through their initial Statement of Case and subsequently through their Final Comments on the appeal. Accordingly, I do not consider that the interests of any parties would be prejudiced by the consideration of this matter as part of the overall determination of the appeal.

Main Issue

6. The main issue in this appeal is whether the proposed development is permitted development having regard to the provisions of Part 3, Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereinafter the GPDO).

Reasons

7. The appeal building was built as a cattle barn. It is constructed on a steel portal frame with a concrete slab floor. The lower walls of the building are constructed of breezeblock with the upper parts of the walls consisting of gapped, vertical, timber boards. The roof is finished in corrugated roofing sheets.
8. The appeal proposal seeks to convert the building to four dwellings, including the addition of a 2.7 metre deep single storey extension to the rear of the building. The Planning Statement submitted with the appeal proposal sets out further details of the building works proposed.
9. To benefit from the permitted development right and to fall within a class, a development not only has to comply with the class description but also must satisfy a series of conditions and limitations unique to that particular class. Consequently, it is incumbent upon me in deciding this appeal to determine whether the appeal proposal falls squarely within the confines of Class Q of Part 3 of Schedule 2 to the GPDO.
10. Sub-paragraph W.8 of Schedule 2, Part 3, among other things, requires the local planning authority to give notice of the proposed development either by display of a site notice on or near the land, or by service of notice on any adjoining owner or occupier. Sub-paragraph W.10(a) requires the decision maker when determining an application to take into account any representations received as a result of any notice given under sub-paragraph W.8.
11. Part 3, Class Q permits the change of use to dwellings 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. However, in both cases, the building is required to have been part of an established agricultural unit on 24 July 2023. In addition, if the building has ceased to be part of an agricultural unit, development is not permitted if the site has been used for any non-agricultural purpose.
12. Although not a matter raised by the Council, an interested party made representations to the effect that there is doubt over whether the appeal building currently forms part of an agricultural unit or, if it was part of an agricultural unit on 23 July 2023. It is also suggested that the site been used for a non-agricultural purpose since the building ceased to be part of an established agricultural unit.
13. These representations were made in response to the Council's notification of the application prior to its determination and were re-iterated more fully, together with additional supporting documentary evidence included as appendices to a lengthy submission concerning this, in addition to other matters, following the notification of the appeal.
14. I am mindful that the appellant has stated on the application form for the proposal which forms the subject of this appeal that the site is currently part of an established agricultural unit and was so on 24 July 2023. Ordinarily, such

statements would be taken at face value. However, where they are disputed, it is necessary to test these against the available evidence.

15. It is not in dispute that the Council refused a prior approval application for an essentially similar development, albeit with a different access proposed, in 2024¹ because *inter alia* the site was not currently part of an established agricultural unit and was not part of one on 24 July 2023. The appellant sought to address this in the appeal proposal by providing some documentary evidence and states in the Planning Statement accompanying the application that “Supporting evidence, including agricultural holding records, historical land use data, and owner testimony, confirms the site's continued agricultural use.” Extracts from three documents were appended to the supporting statement, in the form of correspondence from the Department of Environment, Food, and Rural Affairs (DEFRA), the British Cattle Movement Service, and from the Animal and Plant Health Agency.
16. To be permitted development under Part 3, Class Q, the building in question must either currently be part of an established agricultural unit or have been part of one on 24 July 2023. Paragraph X of Part 3 of Schedule 2 defines “established agricultural unit” for the purposes of Class Q as meaning “agricultural land occupied as a unit for the purposes of agriculture, on or before 20th March 2013, or for 10 years before the date the development begins.”
17. The letter from the Department of Environment, Food, and Rural Affairs is in respect of the Census of Agriculture, Horticulture, and Labour. This letter is undated but refers to a date of June 2021 and so it is likely that the letter is from that year. The full contents of the letter are not provided and so the actual purpose of the letter is not clear.
18. The second excerpt is a letter from the British Cattle Movement Service dated November 2023. The text of the letter is not provided, and it is unknown what it relates to. The final letter is from the Animal and Plant Health Agency, dated July 2024. This is a reminder notice regarding testing for Bovine Tuberculosis. Some of the text of this letter is included and I note from this that the testing interval is 48 months, indicating that any previous testing that may have occurred was carried out in 2020.
19. Although this correspondence is addressed to the appellant, I note that they all are addressed to the appellant at Willow Grange, the former Farmhouse, which is not the appellant's current address. The Interested Party states that they acquired Willow Grange in 2020. This strongly suggests that the correspondence was sent based on legacy information held by these organisations. To my mind, it would be expected that an on-going agricultural enterprise would update its correspondence address with organisations it has to deal with regularly. The text of the letter from the British Cattle Movement Service is unknown and consequently it is not possible to ascribe any evidential value to this. Whilst it might be possible to infer from the letter from DEFRA and the Animal and Plant Health Agency that agricultural operations may have been being carried out in 2020 and 2021, they do not provide any certainty at all that these were still being carried out at the relevant date.
20. No other evidence has been adduced which would indicate that the land was occupied as a unit for the purposes of agriculture at the relevant date, or that it had

¹ Planning Application Reference: ZB24/02102/MBN

been occupied as a unit for the purposes of agriculture for the full ten years prior to the date of the application. The evidence that has been provided is scant and incomplete and does not, to my mind, add up to, or comprise, agricultural holding records, historical land use data, and owner testimony as suggested. It may indicate that the site was part of an agricultural unit prior to March 2013, however, for the purposes of Part 3, Class Q it must also show that this was still the case on 23 July 2023. Had there been evidence such as recent farm accounts, records of cattle sales or movements, or invoices for farm related items or services, this would have been more compelling. As it stands what has been submitted is far from persuasive.

21. The interested party's submissions show that on the application form for the previous 2024 prior approval application, it was stated that the site was not part of an established agricultural unit and was not part of one on 24 July 2023. This application was made by the same company that submitted the current appeal proposal on behalf of the appellant.
22. The interested party has provided as part of their submissions a copy of a planning statement dated November 2022 which accompanied a planning application made by the appellant to convert the appeal building to two dwellings. This states that the appellant "is no longer actively involved in farming and the land used by the holding has largely been sold off over the years, leaving just two barns on site with no beneficial agricultural use now or likely to re-occur in the future." One of the barns referred to has been subsequently converted to residential use and is now known as Bon Lea House. This does indicate that the appeal building had ceased to be part of an established agricultural unit at that time.
23. My attention has also been drawn to a previous appeal decision, from January 2022², relating to a planning application to convert the building to three dwellings in which the Inspector noted that the building appeared to be in use for general storage purposes at the time of their site visit. This is also borne out by the photographs included in the Steelwork Survey dated October 2022 that was submitted with the appeal scheme.
24. The appellant has not challenged any of this evidence from the interested party but has observed that the Council accepted that the building met the criteria for being within an agricultural unit at the relevant date. The Council officer's report, despite noting that a previous application was refused on the grounds that the building was not part of an established agricultural unit, and that this point was raised in interested party representations, does not analyse, or indeed mention, the documentary evidence submitted with the application. Nor does it grapple with the points raised by the interested party in respect of the agricultural unit. It simply accepts the statement on the application form. The Council's acceptance on these terms does not add any weight to the claim that the building is currently part of an established agricultural unit, or that it was part of one of 24 July 2023.
25. This must be taken in the context of the documentary evidence from the appellant's previous applications relating to the same building in 2022 and 2024 which state that there is no agricultural activity and the site is not part of an established agricultural unit. Despite being aware that the status of the building was challenged by the interested party, the appellant's evidence offers no explanation of why their

² Appeal Reference: APP/G2713/W/21/3281854

position has changed from that stated in previous applications for the same building.

26. When I visited the site, I observed that although there were a number of hay bales stored towards the rear wall of the building, the building was predominantly being used to store domestic items. This corresponds with the observations of the Inspector in 2022 and the photographs in the October 2022 Steelwork Survey. This strongly suggests that the appeal building has also had a non-agricultural use from as early as January 2022.
27. For the above reasons, there is significant evidence to demonstrate that, on the balance of probability, the appeal building was not part of an established agricultural unit on 24 July 2023 and, in the absence of substantive evidence to the contrary, the proposal would not meet the requirements to be permitted development as set out in Class Q of the GPDO. Consequently, as I have found that the proposal is not permitted development, there is no need for me to consider whether prior approval should be granted.

Conclusion

28. For the reasons given above, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

John Dowsett

INSPECTOR