



---

## Appeal Decision

Site visit made on 6 January 2026

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 January 2026

---

**Appeal Ref: APP/A1530/W/25/3375049**

**Georgeons, Parkhurst Green Lane, Wakes Colne, Colchester CO6 2BL**

- 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 N Browning-Smith against the decision of Colchester City Council.
  - The application Ref is 251063.
  - The development proposed is described as 'proposed conversion of an existing agricultural barn into a single-storey, 1-bedroom dwelling under Class Q. The building will remain in its current location and retain its existing footprint and structure. Works include replacing the roof cladding, adding windows and doors, internal insulation, and removing a small attached store'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. On 21 May 2024, Statutory Instrument 2024 No. 579 (SI No. 579) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Given the transitional arrangements set out under Article 10 of the amending order, prior approval applications could be made in respect of the old Class Q up until the end of 20 May 2025. Although the date of registration on the decision notice is 30 May 2025, there appears to be no dispute between the main parties that the application was made prior to 21 May 2025 and the Council determined the application under the old Class Q legislation. I shall therefore determine the appeal on the same basis as the Council and all references to the GPDO in this decision therefore relate to the version that was in force at the time when the application was made.

### Background and Main Issue

3. Class Q of the 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) of the Schedule to the Use Classes Order<sup>1</sup>, together with building operations which are reasonably necessary to enable the conversion of the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
4. The provisions of paragraph W (prior approval) of the GPDO is clear 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

---

<sup>1</sup> Town and Country Planning (Use Classes) Order 1987 (as amended).

provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

5. The Council contends that the appeal proposal is not permitted development under Class Q and the limitations specified under Q.1 as it does not consider the site to form part of an established agricultural unit. The appellant contends that the site formed part of an established agricultural unit before and after 20 March 2013 and remains in agricultural use today.
6. The main issue is therefore whether the appeal proposal would be permitted development under Schedule 2, Part 3, Class Q.1 of the GDPO.

## Reasons

7. Although I have not been provided with copies of the approved plans, there is no dispute between the main parties that the appeal building was originally granted planning permission as a hay barn in 1988<sup>2</sup> (the original permission). Condition 2 of the original permission restricted its use in connection with the keeping of horses on the adjoining agricultural land or for agricultural purposes.
8. Paragraph Q.1(a) of the GDPO requires that the site must be used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or, if it became part of it after 24th July 2023, for a period of at least 10 years before the proposed development. Planning Practice Guidance emphasises that the site must have been used solely for an agricultural use<sup>3</sup>, and any other use which is not agricultural either on 20 March 2013 or when the building was last in use would mean the site was not solely in agricultural use.
9. Paragraph X provides relevant definitions: agricultural building means a building used for agriculture and which is so used for the purposes of a trade or business; agricultural use refers to such uses; and an established agricultural unit is agricultural land which is occupied as a unit for the purposes of agriculture.
10. The term 'agriculture' is defined<sup>4</sup> as including, but not being limited to, horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes. However, the keeping of horses does not fall within this definition where it is for recreational purposes and involves activities beyond putting horses out to graze.
11. At the time of my site visit, the appeal building was in use as a workshop and for the storage of miscellaneous items including tools, paint, cleaning products, and it also provides shelter and facilities for wider site users, including a fridge and tea and coffee making equipment. Hay and wood were stored externally beneath canopy areas. Elsewhere on the wider site within the blue line boundary, I observed agricultural vehicles and machinery, steel containers, a horse box trailer and a number of timber stable structures. A manege is also located adjacent to the appeal building, with a gated access closely related to the appeal building.

---

<sup>2</sup> Council ref: COL/1809/88

<sup>3</sup> Paragraph: 106 Reference ID: 13-106-20180615

<sup>4</sup> Section 336 Town and Country Planning Act (as amended)

12. The appellant confirms that animals are also kept and that the holding operates under a County Parish Holding (CPH) number. They also state that agricultural activities, including hay cropping, livestock management and willow cultivation, have taken place on the wider site, and photographic evidence has been supported in support. While several of these uses are capable of falling within the definition of “agriculture”, the presence of the manege strongly points to the use and/or keeping of horses for recreational purposes. Given the clear physical and functional relationship between the appeal building and the wider site, I find that the building forms part of the wider holding and that the various uses are not distinct but closely related to each other.
13. Additionally, the evidence before me also indicates that between 2016-2021 the appeal building was used in connection with activities supporting young adults with additional learning, involving working with animals such as alpacas, sheep, donkeys and a pony. Such use does not clearly meet the definition of “agriculture”, and it is therefore unlikely that the building was solely in agricultural use during that period.
14. Limited information has been provided about the use of the appeal building prior to 2016, which the appellant explains is due to difficulties in verifying earlier ownership. However, representations from interested parties suggest that the site was used for equestrian purposes since around 1988, with the original manege constructed in approximately 1990. While I accept that this evidence is anecdotal and no planning permission for the equestrian use of the site has been provided, the evidence before me, including the wording of condition 2 of the original permission, indicates that Georgeons has long accommodated both agricultural uses and the keeping of horses for recreational purposes.
15. My attention has been drawn to planning permission for an agricultural building elsewhere on the wider landholding is 1988<sup>5</sup>. However, limited information about this permission has been provided, and in any event it does not relate to the appeal building.
16. Overall, I am not satisfied that it has been demonstrated that the site was solely used for an agricultural use as part of an established agricultural unit on the relevant dates. I therefore conclude that the proposal would not be permitted development, in respect of Class Q.1 of the GPDO. Accordingly, there is no need for me to consider the prior approval matters set out Q.2, including those relating to siting, flooding risks, highways or design.

### Other Matters

17. My attention has been drawn to applications under Class Q of the GPDO for similar schemes at Parkhurst Green Farm<sup>6</sup> and Rowneys Farm<sup>7</sup>. However, I do not have full details of the circumstances that led to these decision and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of use of the appeal building. In any case, I have determined the appeal on its own merits.
18. The appeal proposal would re-use an existing rural building capable of conversion, contributing to local housing delivery and the provision of a modest energy efficient

---

<sup>5</sup> Council ref: COL/808/88

<sup>6</sup> Council ref: 222081

<sup>7</sup> Council ref: 242298

rural home. However, such benefits cannot justify an application made under Class Q of the GPDO.

**Conclusion**

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

*H Marriott*

INSPECTOR