

## Appeals Decisions

Site visit made on 16 January 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor  
an Inspector appointed by the Secretary of State

**Decision date: 30 January 2026**

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### **Appeal Ref: APP/W2845/W/23/3330226**

#### **Land and buildings at Boughton Springs, Moulton Lane, Boughton, Northampton NN2 8RE**

- The appeal is made by Mr & Mrs Harrison under section 78 of the Town and Country Planning Act 1990 against a failure by West Northamptonshire Council to give notice within the prescribed period of their decision on an application for a determination as to whether the prior approval of the authority will be required.
- The application, ref. 2023/5369/PA, is dated 31 May 2023 and was made by Mr & Mrs Harrison pursuant to Schedule 2, Part 1, Class Q (agricultural buildings to dwellinghouses) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended at that time.
- The development proposed is "Conversion of two barns to C3 residential units under Class Q".

### **Appeal Ref: APP/W2845/X/23/3334003**

#### **Land and buildings at Boughton Springs, Moulton Lane, Boughton, Northampton NN2 8RE**

- The appeal is made by Mr & Mrs Harrison under section 195 of the Town and Country Planning Act 1990 against a refusal by West Northamptonshire Council to grant a lawful development certificate.
- The application Ref: 2023/7212/LDP, dated 30 August 2023 (updated as to the address on 9 November 2023) was refused by notice dated 23 November 2023.
- The application was made under section 192(1)(a).
- The development for which the certificate is sought is "Conversion of 2 barns into residential accommodation (C3) as per deemed consent 2023/5369/PA".

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### **Application for costs**

1. The appellants' application for costs against the Council in relation to appeal APP/W2845/W/23/3330226 is dealt with by a separate decision.

### **Appeals decisions**

*Appeal Ref: APP/W2845/W/23/3330226*

2. The appeal is dismissed.

*Appeal Ref: APP/W2845/X/23/3334003*

3. The appeal is dismissed.
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## **Reasons for the appeals decisions**

### *Introduction*

4. The Council have accepted in relation to application 2023/5369/PA that they did not notify Mr & Mrs Harrison that prior approval was not required, nor did they give prior approval, and they have accepted that they did not notify them within the prescribed period as to whether prior approval was given or refused. Prior approval has therefore been deemed to be granted by default. Even so, the proposed development cannot lawfully be begun if it is not in fact permitted by Class Q.
5. In application 2023/7212/LDP, Mr & Mrs Harrison sought a certificate of lawfulness confirming that the conversion of the barns into residential accommodation was authorised. The Council refused the application for the following reason: -  
  
"1. Due to the site consisting of an equestrian use and not agricultural, the proposal does not benefit from the permitted development rights conveyed by Schedule 2, Part 3, Class Q of The Town and Country (General Permitted Development) (England) Order 2015 (as amended). As the proposal does not benefit from the permitted development rights outlined in Class Q, it cannot benefit from deemed consent as a proposal cannot automatically become lawful, simply because such a determination was not made within the required timeframe. For this reason, it is concluded that the certificate of lawfulness should not be granted."
6. Section 195 requires an assessment to be made as to whether the refusal of the application was or was not well-founded. This assessment is based on the lawfulness of the proposed uses of the barns at the time of the application and is therefore based on the version of Class Q that was operative in 2023.
7. There is no indication that any of the circumstances described below have changed since the applications were submitted.

### *Assessment*

8. The appeals raise two issues based on the terms of Class Q. In the first place, development is not permitted by Class Q if "the site was not used solely for an agricultural use as part of an established agricultural unit", as specified in Q.1(a). Secondly, where building operations are reasonably necessary to convert a building into a dwellinghouse, there are limitations in Q.1(i) on the extent to which those operations are permitted. I have addressed these issues in paragraphs 9 to 12 below and concluded that the preclusion in Q.1(a) would apply and that the limitations in Q.1(i) would be exceeded.
9. The "site" in this instance is the barns and the land within their curtilages as shown edged in red on the application plans, Site Location Plan A100 Rev A and Existing Block Plan A101 Rev A. These Plans show edged in blue adjoining land owned by Mr & Mrs Harrison. My understanding as a result of my site visit and on reading the letter from Jade Culverhouse dated 15 December 2023, is that Mr & Mrs Harrison also own additional adjoining land. This land is next to the eastern boundary of the blue line and consists of stables used for keeping

horses (a non-agricultural use). Land within the blue line is used for horse grazing (an agricultural use) associated with the stables.

10. I saw at my visit that, although some of the other land within the blue line was in use for agriculture, namely the growing of crops and the keeping of poultry, the barns themselves were each in use for non-agricultural purposes as well, including non-agricultural storage.
11. The Structural Appraisal submitted in connection with the conversion of the smaller barn states that it "is based on superficial examination of the visible and accessible areas without knowledge of the construction or history. It is therefore conjectural in approach". It notes: "There are structural alterations proposed to the principal load bearing frame. A limited of new openings [*sic*] to the elevations are likely, as is the installation of insulation and internal finishes to the walls and new roof structures and finishes shall be installed. New internal walls would be constructed off either the existing ground floor slab or a new slab independent from the principal structure."
12. I observed at my site visit that the smaller barn does not have side walls as thick as those depicted on the application plan, Barn 2 – Existing Ground Floor P002 Rev A, nor does it have the degree of enclosure at the front nor the front doors shown on that plan and on the application plan, Barn 2 Existing North Elevation P006 Rev A. This barn is a rudimentary open-fronted two-bay shed with some makeshift timberwork enclosing one bay at the front. It is obvious that the barn could not be converted into residential accommodation without carrying out building operations that would amount to near-total demolition.
13. I have concluded that the conversion of the barns into residential accommodation could not lawfully be begun in spite of the grant of prior approval by default and that the Council's refusal of the application for the certificate was well-founded. Both appeals have therefore been dismissed.

*D.A.Hainsworth*

INSPECTOR