



Appeal Decision

Site visit made on 10 March 2026

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Appeal Ref: APP/N4205/W/25/3375748

Land North West of Ringley Road, Ringley Road, Stoneclough, Radcliffe, Bolton M26 1AH

- 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 Cityview Estates Ltd against the decision of Bolton Metropolitan Borough Council.
 - The application Ref is 20357/25.
 - The development proposed is change of use from agricultural unit to 1no. dwellinghouse.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Cityview Estates Ltd against Bolton Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application form does not include a description of the proposal. The description in the above banner heading is therefore taken from the appellant's appeal form.
4. The appeal proposal relates to a prior approval notification made under Article 3(1), Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO).
5. On 21 May 2024, Statutory Instrument 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the application was submitted on 16 May 2025. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

Background and Main Issue

6. Schedule 2, Part 3, Class Q(a) 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). This is subject to certain criteria, and circumstances where development is not permitted which are listed under Paragraph Q.1.
7. At Q.1(a) the GPDO states 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 (i) on

20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

8. For the interpretation of Part 3, paragraph X of the GPDO states that “*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.
9. There is no definition in the GPDO for the meaning of ‘agriculture’. It is therefore taken from s336(1) of the Town and Country Planning Act 1990 (TCPA), which sets out examples of agricultural activities. The s336(1) list is not exhaustive but includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), 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.
10. Schedule 2, Part 3, paragraph W of the GPDO sets out the prior approval process. At paragraph W.(3) it states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or 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. The Council’s reason for refusal states that insufficient evidence has been submitted with regards to when the land and building was last used for agricultural purposes, contrary to criterion Q.1(a). The appellant however contends that the land and appeal building were solely in agricultural use on 20th March 2013.
12. The Council does not dispute that the proposal accords with the other requirements of paragraph Q.1 (b – m) of the GPDO and based on the evidence before me I see no reason to disagree.
13. Having regard to the above, the main issue is whether the proposal would be permitted development under Class Q, having particular regard to whether the building was used solely for agriculture purposes on 20th March 2013.

Reasons

14. The appeal building is located within a field adjacent to the highway of Ringley Road. It comprises of a larger section that has a rendered clay brick finish and no roof. This section of the building is therefore open to the elements and I observed cracks in its gable elevations. To the rear is a red brick element that has a gentle sloping mono-pitched roof, with a number of windows and doors missing.
15. The surrounding land was overgrown and it is clear the appeal building, and the surrounding land, has not been used for some time. To that end the appellant claims the agricultural use of the site ceased in 2015.
16. The appellant states that the agricultural use of the site derived from its production of hay. In support of this claim the appellant’s submission is accompanied by a

signed affidavit from Peter Carpenter, a haymaker that operated from this site for over 30-years until 2015.

17. The affidavit includes a plan identifying the appeal site within a wider area, and the author confirms the land identified on this plan is the agricultural unit to which they refer in the affidavit. The affidavit also details how the signatory has read the previous appeal decision¹ at this site and in doing so notes the Inspector's comments in relation to the definition of "agriculture" under s336 of the TCPA. The signatory confirms that the agricultural use of the site is reflective of that definition.
18. The affidavit goes on to explain that the previous Inspector's conclusion that the use of the agricultural unit and barn for the keeping of horses is factually incorrect. It states that during the 30-year period they were employed on this agricultural unit it was used for haymaking, which involved growing the grass; making the hay; storing the hay; and then ultimately its use / sale.
19. The affidavit clarifies that the barn was used to store the hay that was produced from the unit, as well as other agricultural activities, including making the hay, drying it and feeding the grazing horses on the site with a small amount of supplementary feed.
20. The affidavit also details how 2 – 3no. horses grazed at this agricultural unit at any one time, but this was ancillary to the primary activity of haymaking and the horses were fed by grazing the land, with supplementary feed given only very occasionally in the winter. It also states that the horses were very occasionally brought into the back of the barn in very severe weather conditions, but this was a rare occurrence.
21. I am cognisant that the issue of whether the appeal site was used solely for agricultural use has been considered within two previously dismissed appeals². In these decisions the respective Inspectors expressed concerns with the precision of the submitted statutory declarations, and affidavit, before ultimately concluding that the evidence was not conclusive to demonstrate that the site and land was used for the grazing of horses, as opposed to the keeping of horses.
22. However, I find the affidavit submitted as part of this appeal provides further clarity on this matter, specifically detailing how the horses primarily grazed off the land, were fed a small amount of supplementary feed in winter and only used the building on rare occasions during severe weather conditions.
23. I also note the comments from interested parties in respect of the site not being solely agricultural and having a long-standing equestrian use, evidenced by google images. However, the appellant is not denying that there were horses on this site. Rather, the question in respect of this specific matter is whether the horses were kept on site within the appeal building and fed, or whether they grazed on the land as per the definition of agriculture within s336(1) of the TCPA.
24. In this regard, whilst I have taken into consideration the comments made by the Council and interested parties, it is however unclear from their submissions what access they would have had to the appeal site during this period. As such, these interested parties may not have been able to see and know exactly what was happening on the appeal site, where the horses were being kept and what they ate. Whereas the signed affidavit has been provided by a haymaker that operated on this

¹ APP/N4205/X/23/3328725

² APP/N4025/W/20/3256405 & APP/N4205/X/23/3328725

site for 30 years. As such, I find the signatory to the affidavit would have had more access to the appeal site, and a greater understanding of the activities that were taking place at this time, in comparison to the interested parties.

25. In view of the above, and given its legal standing, I give the signed and sworn affidavit substantial weight in my consideration on this matter. I therefore conclude that on the balance of probabilities, and the evidence presented before me, the land was used for agricultural purposes on 20th March 213, primarily for haymaking, with some ancillary horse grazing.
26. Notwithstanding the above however, and as mentioned earlier, paragraph X of Part 3 of the GPDO requires the appeal building to be used for agriculture and which is so used for the purposes of a trade or business. In this regard, whilst I note the affidavit does make reference to the use / sale of the hay, I find this comment rather ambiguous and very limited information has been provided in respect of any trade or business arising from the production of hay at the site.
27. As such, there is no cogent evidence or supporting documentation to enable me to be reasonably certain that the scale and nature of this haymaking activity amounted to that of an agricultural trade or business. Such evidence could include business invoices; trade accounts; tax returns; and statutory declarations / affidavits from former customers.
28. In the absence of this information, I cannot be certain that the activities that took place at the site on 20th March 213 constituted agriculture for the purposes of a trade or business, as per paragraph X of Part 3 of the GPDO.
29. In coming to this view, I note the appellant states that the business was part of a wider agricultural holding and the owner of that wider holding has sold the land and no longer resides in the area, meaning the appellant is unable to obtain evidence from them. I am not however convinced that because the former owner has sold the land and moved away means that the appellant cannot obtain some evidence that the site was in agricultural use for the purposes of a trade or business.
30. Moreover, the onus is on the appellant to demonstrate compliance with the requirements and interpretations of Part 3, Class Q in the GPDO.
31. I also note that the issue of whether any trade or business took place at the appeal site was mentioned in both the previous appeal decision letters relating to this site. With the Inspector for the earlier appeal³ stating "*The proposal contains no information about any trade or business taking place at the site...*" and the Inspector for the subsequent appeal⁴ refers to paragraph X of Part 3 of the GPDO, before stating "*Consequently, the question of whether there was a farming business may well have been relevant to that decision.*"
32. Despite these comments from the previous Inspectors, as well as the requirements of paragraph X of Part 3 of the GPDO, I find this matter has not been adequately addressed by the appellant, by way of providing substantive evidence of an agricultural trade or business taking place at this site, as part of this submission.
33. In view of all the above, I conclude that the submitted evidence does not demonstrate that the appeal site and building were used as agriculture for the

³ Paragraph 9 of APP/N4025/W/20/3256405

⁴ Paragraph 28 of APP/N4205/X/23/3328725

purposes of a trade or business on 20th March 2013. Consequently, the definitional requirements applicable to paragraph Q.1(a) have not been met, and the proposal does not constitute permitted development under Part 3, Class Q of the GPDO.

Other Matters

34. The appellant has drawn my attention to a number of appeal decisions⁵ and case law⁶, relating to the agricultural use of land and buildings, including matters relating to agricultural and equine use, as well as further appeal decisions⁷ relating to the submission of evidence and affidavits. I had due regard to these decisions and judgments in relation to those matters.
35. However, they carry very limited weight in my assessment as to whether or not the appellant has demonstrated that the appeal site and building were used as agricultural for the purposes of a trade or business on 20th March 2013, which is based on the specifics of the evidence before me.
36. I note the appellant has commented on what they perceive to be the Council's failure to justify its reason for refusal of the planning application, referencing case law⁸ and a costs appeal decision⁹. However, this matter is not determinative in my consideration of this appeal, which I have considered against the relevant provisions of Part 3, Class Q of the GPDO.

Conclusion

37. For the reasons given above, and based on the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

R Major

INSPECTOR

⁵ APP/D3640/W/23/3333861; APP/Q4625/W/16/3144937; and APP/J3720/X/20/3254044

⁶ Sykes v Secretary of State for the Environment and another South Oxfordshire District Council v Secretary of State for the Environment and others [1981] 1 EGLR 137

⁷ APP/B2355/X/20/3257581; APP/J1535/X/20/3257300 and APP/Z5630/X/19/3224185.

⁸ South Buckinghamshire DC v Porter (No 2) [2003] 2 AC 558; Poyser and Mills' Arbitration [1964] 2 QB 467; and Proudfoot Properties v The Secretary of State for Communities and Local Government and Another [2012] EWHC 2043 (Admin).

⁹ APP/N2535/W/25/3363211