



Appeal Decision

Site visit made on 24 February 2026

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Appeal Ref: APP/J0405/W/25/3376163

Barn at Newfoundland, Ivy Lane, Great Brickhill, Buckinghamshire MK17 9AH

- 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 P Jones against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 25/00898/COUAR.
 - The development proposed is the change of use and conversion of one existing agricultural barn into 3no. dwellings.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed change of use and conversion of one existing agricultural barn into 3no. dwellings at Barn at Newfoundland, Ivy Lane, Great Brickhill, Buckinghamshire MK17 9AH in accordance with the application 25/00898/COUAR, subject to the condition set out below.
 - 1) The scheme for parking and manoeuvring indicated on drawing number 100-01 shall be laid out prior to first occupation of the development hereby permitted. The area shall be maintained as such in perpetuity and shall not be used for any other purpose.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No 579 (the SI) 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 Order). Article 10 sub paragraph 1 of the SI allowed a transitional period until the end of May 2025 whereby an application for determination could be determined under the original or amended Class Q of the Order. The appellant has indicated that they sought consent under the Order as it stood after 21 May 2024. The Council considered the application on that basis and so shall I.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 3, Class Q, of the Order, development is permitted for
 - (a) a change of use of

- (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
 - (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building, subject to certain limitations and conditions.
4. Paragraph Q1 of the Order provides a list of exclusions as to when development would not be permitted by Class Q. In this regard, the Council's case is that the proposal fails to comply with the requirements of Class Q(a) (i) and (ii) as development is not permitted when assessed against the exclusions listed under paragraph Q1 (a) and (b). These exclusions relate to
- (a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit
- (i) on 24th July 2023,
 - (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins
- (b) in the case of a site that was (but is no longer) part of an established agricultural unit:
- (i) the site was part of an established agricultural unit on 24th July 2023,
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
 - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,
5. The proposed development would meet the requirements of all the other matters identified under paragraph Q1 (c) to (p).
6. Accordingly, the main issue is whether the proposed development would constitute permitted development in respect to Class Q paragraph Q1 (a) and (b); and if the proposal is found to constitute permitted development, whether under Q2 prior approval would be required and should be granted.

Reasons

7. The appeal building is a six-bay steel portal framed barn comprising a combination of concrete panels and timber boarding to the walls and a metal sheeted roof that

previously formed part of an agricultural holding that farmed cattle, sheep, turkeys and hens.

Class Q1(a)

8. The application forms states that the appeal property is part of an established agricultural unit and was part of one on the 24 July 2023. However, based on the planning history of the site including planning permission 24/00020/VRC, the appeal property could not have been part of an agricultural business on 24 July 2023 as the agricultural use of the appeal site and wider holding ceased in 2022. Also, the 2024 planning permission removed the agricultural occupancy condition from the dwelling that was associated with the agricultural holding.
9. Therefore, although a matter of dispute through the application consideration process, it has subsequently been accepted by the appellant that the land is not part of an established agricultural unit.
10. Subsequently, the proposal fails to comply with Class Q1(a) (i) and the requirements of Class Q1 (a) (ii) are subsequently not applicable.

Class Q1(b)

11. As the appeal site was previously (but is no longer) part of an established agricultural unit, Class Q1 (b) is relevant. This comprises three components of which only one is necessary to have been met, Class Q1 (b) (iii) is the relevant section for assessment in this case.
12. Class Q1 (b) (iii) requires an assessment of whether, since ceasing to be in agricultural use, the appeal property has been used for any non-agricultural purpose.
13. No evidence is before me regarding the use of the barn since the agricultural use of the site ceased in 2022. The appellant states that the appeal property has remained an agricultural building but without a formal agricultural business. The Council has remained silent in respect of whether the proposal complies with (b) (iii) and as such, the evidence before me is uncontested.
14. The appeal building is functionally divorced from agricultural activity and has been unused since 2022. Its layout and design seem to have been specifically designed for an agricultural purpose and does not appear to have been materially altered since the use ceased. One side of the barn remains open to the elements and would not be secure. Moreover, no evidence is before me that the use of the barn should now be considered different to its agricultural origins. Therefore since ceasing to be in agricultural use, the appeal property has not been used for any non-agricultural purpose.
15. Consequently, the proposed development would accord with the requirements of Q1(b) (iii) and would be permitted development under Schedule 2, Part 3, Class Q of the Order, as amended.

Q2 Prior Approval conditions

16. The Council does not raise any specific objections or seek prior approval of details in relation to noise impacts of the development, contamination risks on the site, flooding risks on the site, location or siting of the building, design or external

appearance or the provision of adequate natural light to habitable rooms. Based on the information before me, I have no reason to take a different view.

17. With regards to the transport and highway impacts of the development, the Council considers that a condition to secure the visibility splays achieved on site would address this requirement.
18. Accordingly, the proposed development would accord with Schedule 2, Part 3, Class Q2 of the Order.

Conditions

19. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework.
20. Paragraph W (13) of Schedule 2, Part 3 of the Order states that conditions which are “reasonably related to the subject matter of the prior approval” may be applied. Paragraph Q2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
21. Paragraph W (12) of Schedule 2, Part 3 of the Order requires that the development must be carried out in accordance with the details that are approved, and a plans condition would not therefore be required. In the interest of highway safety, I have imposed a condition relating to the laying out of the parking and turning areas to ensure that the areas are provided and maintained in perpetuity.
22. The Council has suggested a condition relating to visibility splays for the access. However, the existing access, which would be used by the 3 dwellings, already has an appropriate visibility splay that comprises of grass verge beyond the boundary hedging. The verge is not within the appellant’s ownership but in these circumstances, I have no reason to conclude that it would not be retained. As such, a condition relating to the visibility splay would not be necessary.

Conclusion

23. The proposal would satisfy the requirements and limitations set out in Article 3(1) and Schedule 2, Part 3, Class Q of the Order. I therefore find that the appeal should be allowed, and prior approval is granted, subject to the standard conditions set out in paragraph Q2 of Class Q and to the additional condition specified above.

P Brennan

INSPECTOR