



Appeal Decision

Site visit made on 24 February 2026

by E Heron MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Appeal Ref: APP/X2410/W/25/3371677

Land off Charley Road, Ulverscroft, Loughborough, Leicestershire, LE12 9XJ

- 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 and Mrs R Davenport against the decision of Charnwood Borough Council.
 - The application Ref is P/25/0140/2.
 - The development proposed is Change of use of agricultural building to dwellinghouse (Use Class C3) and building operations reasonably necessary for the conversion. (Prior notification under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Class Q.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A description of the proposal was not within the application form; hence I have taken the description from the decision notice.
3. The exhibits provided by the appellant within Appendix 10, were not before the Council when it made its decision to refuse Prior Approval. However, they do not seek to evolve the scheme as they provide information. The Council and interested parties will also have had the opportunity to comment on them through their Statement of Case and representations. Accordingly, I do not consider that the interests of any parties would be prejudiced by me taking them into account.
4. The site visit was arranged as an 'access required site visit,' although I was not able to proceed on that basis. However, I was able to consider the main issues based on seeing the site and its surrounding context from public areas, alongside the photographs submitted by both parties, and hence my visit was unaccompanied.
5. Amendments to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument (SI) 2024/579. Article 10 of this SI sets out transitional arrangements allowing for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020), in respect of development that would have been permitted under Class Q before 21 May 2024.

6. The details within the application form, by way of the questions answered, show that the appellant sought Prior Approval under the transitional arrangements. The Council's delegated report states that it has been assessed under the GPDO 2024 amendment. I have determined the appeal on the basis of the GPDO 2020 as that is what was applied for. The parties have been given the opportunity to comment.

Preliminary Matters

7. Under Schedule 2, Part 3, Class Q of the GPDO 2020, hereafter referred to as 'Class Q', development is permitted consisting of (a) 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; and (b) building operations reasonably necessary to convert the building. The permitted development is subject to specific limitations and conditions.
8. Of relevance to this appeal, paragraph Q.1 does not permit development under Class Q if (a) the site was not used solely for an agricultural use as part of an established agricultural unit – (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 the development under Class Q begins, amongst other things.
9. Paragraph Q.1 also does not permit development under Class Q if (b) in the case of (i) a larger dwellinghouse, within an established agricultural unit – (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses exceeds 465 square metres.
10. Paragraph Q.1 goes on to exclude development under Class Q if (d) the development (together with any previous Class Q development) within an established agricultural unit would result in – (ii) the cumulative number of separate dwellinghouses exceeds 5; and (g) development under Class A(a) or Class B(a) of the Part 6 of the GPDO has been carried out on the established agricultural unit – (i) since March 2013; or (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins.
11. Schedule 2, Part 3, paragraph X of the GPDO further sets out that for the purposes of Class Q, 'Established agricultural unit' means, 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. 'Agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is also used for a trade or business, and 'agricultural use' refers to such uses.
12. The Council's reasons for refusal relate to whether or not the proposal meets the limitations of Paragraph Q.1, having regard to the established agricultural unit; and that the building operations would go beyond works reasonably necessary to convert the building. Whilst the appellant expresses the view that the main issue relates to the latter of these matters, there is nothing before me to suggest that the Council has withdrawn its first reason for refusal.

Background and Main Issues

13. The main issues are therefore whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q. In particular:
- whether the appeal building is part of an established agricultural unit and complies with the conditions and limitations of Paragraph Q.1;
 - whether the proposed building operations would be reasonably necessary to convert the building; and
 - whether prior approval can be given having regard to the conditions in Class Q2.(1)

Reasons

The agricultural unit

14. The appeal building existed in July 2013, was in use on 11th September 2013 and had been granted retrospective planning permission for its use for storing hay and overwintering bullocks¹. There is no dispute that the building's use for agriculture, continued for at least ten years after September 2013. The appellant states that the building continues to be used to store hay and other agricultural equipment and supplies, and prior to that it was also used to house livestock.
15. At the time the planning permission was granted, it is understood that the appellant farmed land elsewhere, at Ulverscroft Lane and in Donnington-Le-Heath. The adjacent land (edged blue on the site location plan), was not under the appellants' ownership at the time, and was not farmed by them.
16. The application form states that the building is used solely for an agricultural use as part of an established agricultural unit. Also, that that has been the case since July 2013. Ordinarily, such statements would be taken at face value, and indeed the declaration form has been signed, confirming that to the best of their knowledge, any facts stated are true and accurate. However, where there is dispute, it is necessary to test these against the available evidence.
17. The Council contends that there is insufficient information about the established agricultural unit and consequently, they are uncertain that the limitations and conditions of the relevant sections of Paragraph Q.1 are met.
18. They also assert that the surrounding land is believed to be farmed by others, however there is no information to signpost me to the whereabouts of this surrounding land, nor is their evidence before me to support this claim. As such, I attribute limited weight to this factor.
19. In support of their case, the appellant has provided a letter from the Rural Payments Agency², confirming registration of the business and which includes a Farmer Single Business Identifier (SBI), vendor number, and County Parish Holding (CPH) number. This was dated 27th August 2013. It identifies the appellant's address as within Donnington-Le-Heath but does not identify the related land, for example, with plans. Letters from other parties advise that the building has been in situ for 10 years, and that the appellant was assisted with

¹ P/13/1502/2

² 'Exhibit No.7'

agricultural related activities in June 2013³. The Council correspondence also refers to a visit to the appellant's land in July 2013, and that the building was completed and in use in September 2013⁴.

20. The above exhibits confirm the building's history and usage in 2013 and provides some support to the assertion that taken on its own, the building has been used for agriculture related activities for 10 years. However, there is no evidence or supporting documentation to enable me to be reasonably certain that the scale and nature of the hay and equipment storage activity or the former livestock housing, amounts to that of a trade or business on an established agricultural unit. For example with a range of evidence such as business invoices, trade accounts, tax returns, and related land holding maps.
21. During my site visit, I saw a nameplate on the gate referring to Willow Tree Farm, and also a post box. However none of the available evidence refers to this address or provides an indication of this being an agricultural enterprise. Whilst this is not a determinative point, it adds to the uncertainty that the site is part of an established agricultural unit, or that the building is used as part of an agricultural trade or business.
22. There is no evidence before me that any other land, is part of the appellants' unit, even if their land ownership has changed over time. There is no dispute between the parties that development has not been carried out on the parcels of land outlined in red and blue on the site location plan pertaining to Paragraph Q.1 (b), (d) and (g). As such, these conditions and limitations are met.
23. Even so, Schedule 2, Part 3, paragraph W(3) of the GPDO 2024, sets out that the decision maker may refuse a prior approval application where 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 as being applicable to the development in question.
24. Consequently, even though the building may have been permitted and used for agriculture, there is little substantive evidence to demonstrate that the building was solely used for an agricultural use as part of an established agricultural unit in compliance with paragraph Q.1 (a) of Class Q of the GPDO 2024 and the definitions within paragraph X. Therefore, on the basis of the available evidence, it is not demonstrated that the proposal falls within the scope of permitted development rights granted under Schedule 2, Part 3, Class Q of the GPDO.

Reasonably necessary building operations

25. The Council is concerned that the proposed works would go beyond that which could be deemed as reasonably necessary to convert the building. The Planning Practice Guidance (PPG) states that the intention of Class Q is not to allow rebuilding works that would go beyond that reasonably necessary for the conversion of the agricultural building to residential use. The PPG also draws attention to relevant caselaw⁵. This establishes that Class Q requires a proposal to

³ 'Exhibit No. 1'; 'Exhibit No. 2'

⁴ 'Exhibit No. 3' 'Exhibit No. 4'

⁵ *Hibbitt and Another v SSCLG (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin)

represent a conversion rather than a rebuild, fresh build or new build, and provides useful commentary on the issue, as does the appellants' solicitor letter⁶.

26. The appeal building, rather than being skeletal, is a steel clad, portal framed building with timber purlins, which is fully enclosed to the sides and rear. It is open only to the front elevation, with the exception of steel supports, and Yorkshire boarding extending a short way down from the roof.
27. The Structural Survey provides commentary on local ground conditions with reference to geological records, and it refers to the concrete slab as 'ground bearing.' Whilst I have no reason to doubt the underlying ground conditions, there is no evidence within the Structural Survey, of the slab and foundations load bearing capabilities. For example trial pits, more detailed commentary on their condition, extent and capability to support new load bearing internal walls, as well as any works required in relation to the 800 mm slab level difference within the building.
28. The survey determines that the steelwork, including the frame and cladding, is in good condition with some rusting. It recommends localised rust and purlin repair, and the installation of rafter stays to prevent torsional buckling. These are minor repairs and interventions, to ensure longevity of the steelwork. However, the survey and the plans, both indicate that there would be no structural reliance or loading upon the steelwork, and that the internal structure would be isolated from it.
29. Taking account of both of these factors, there would be no certainty that any part of the existing building would be structurally relied upon. Consequently, the extent of the necessary works would go beyond what could reasonably be regarded as a conversion.
30. The appellant cites two appeal decisions⁷ in support of their case. Having regard to caselaw⁸, I do not have details of their context, which limits the weight I attribute to them. I do note however, that in both cases the Inspector found the existing building to provide the main load bearing elements. Consequently, I do not find these cases to be directly comparable.
31. New insulated walls, flooring and ceiling would be installed; however these are all internal works within the building envelope. The large opening on the front elevation would be enclosed with large, glazed features, and entrance door, and there is no evidence to indicate that this would be a structural feature. No additional openings would be created. These elements of the building operations all fall within the parameters of Class Q.1 (i).
32. Even so, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. Consequently, and in the absence of evidence to the contrary, I consider that the building operations would go beyond those works that would be considered reasonably necessary and the proposal would not therefore fall within the parameters of Class Q (b).

Prior Approval

⁶ Letter dated 6 January 2025, Simon Stanion, Consultant Solicitor

⁷ APP/K0235/W/22/3309441 (Wybotson); APP/J1860/W/22/3310572 (St Michael's Farm)

⁸ North Wiltshire District Council v Secretary of State for the Environment [1992] 65

33. For a proposal to be permitted development, it must meet all of the relevant limitations, and as I have already found against the proposal on these grounds, it cannot be permitted. As such, there is no need for me to assess the prior approval matters.

Other Matters

34. I have been provided with a copy of a previous appeal decision relating to the site⁹. However, that decision related to the seeking of planning permission for the conversion of the building, having regard to development plan policies and the National Planning Policy Framework, relating to the suitability of the site's location. The appeal before me, falls to be considered under the permitted development regime, therefore, this decision has no bearing on my decision.

Conclusion

35. For the reasons given above, the appeal should be dismissed.

E Heron

INSPECTOR

⁹ APP/X2410/W/22/3292465