



Appeal Decision

Site visit made on 10 March 2026

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Appeal Ref: APP/M1710/W/25/3374760

Broadway Lodge, Eastland Gate, Lovedean, Waterlooville, Hampshire, PO8 0SR

- 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 Andrew Wilson against the decision of East Hampshire District Council.
 - The application Ref is EHDC-25-0251-PA3Q2.
 - The development proposed is the change of use of agricultural building to residential use under class Q.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development in the heading above to remove elements which are not development.
3. The plans show two adjoining buildings, with annotation explaining that the south building would be converted to a dwelling ('the appeal building') and the north building, a large timber barn, would be removed. The appellant's Planning Statement also states that part of the proposal is to demolish the large barn adjacent to the building to be converted. As part of the appeal submissions, the appellant has stated that the demolition of the adjoining north building does not form part of the application. However, as the conversion plans before me show a new blockwork wall and openings to the north elevation, to replace the timber party wall, and as the Council determined the proposal on the basis that it included the demolition of the north barn, so shall I.
4. The red line site boundary extends beyond the footprint of the appeal building encompassing the north building and its yard and access. This additional area is affected by the proposed change of use and would form the curtilage of the new dwelling. As the site area is greater than the land area occupied by the appeal building, it exceeds the limitations set out in Paragraph X of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) in terms of its definition of curtilage.
5. 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 GPDO. Article 10 sub paragraph 1 of the SI allowed a transitional period as long as the application was made before the end of May 2025, whereby an application could be determined either under the original or amended Class Q of the Order. The application was made in March 2025 and so benefits from this option, and the appellant has

indicated that they sought consent under the Order as it stood prior to 21 May 2024. The Council considered the application on that basis and so shall I. Accordingly, all references to the GPDO in this decision relate to that earlier version.

Background and Main Issue

6. Under Article 3(1) and Schedule 2, Part 3, Class Q, of the GPDO, development is permitted for the change of use of a building and any land within its curtilage, from use as an 'agricultural building' to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to certain limitations and conditions.
7. Paragraph Q.1 of the GPDO provides a list of exclusions as to when development would not be permitted by Class Q. The reason for refusal makes clear that the areas of dispute are that insufficient evidence has been provided to demonstrate that the appeal building is in lawful agricultural use and that the land and building form part of an existing established agricultural unit, thereby failing to comply with paragraph Q.1 (a). In addition, the Council contends that as the proposal includes the replacement of a party wall and an infill extension of a new open canopy it would not meet the provisions of paragraph Q.1 (h), resulting in external dimensions which extend beyond the existing building, and paragraph Q.1 (i)(ii), whereby the partial demolition would be beyond the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i)¹.
8. The main issue in this appeal is therefore whether the proposed development would constitute permitted development in respect to Class Q and paragraphs Q.1 (a), (h) and (i)(ii); and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

Paragraph Q.1 (a)

9. Paragraph Q.1 (a)(i) states that 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 on 20 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. An 'established agricultural unit' is defined within paragraph X as 'agricultural land which is occupied as a unit for the purposes of agriculture' and an 'agricultural building' is defined as a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business.
10. The appeal building is single storey, constructed mostly from concrete blockwork with a mono pitched roof. It principally comprises a series of bays, with stable doors into each bay.
11. A statutory declaration by the appellant explains that the building was historically used for horse stabling, but that use ceased in February 2003 and it has been used thereafter for sheep and agricultural storage, such as hay, straw, fertiliser, fencing

¹ (i) the development under Class Q(b) would consist of building operations other than—
(i) the installation or replacement of—
(aa) windows, doors, roofs, or exterior walls, or
(bb) water, drainage, electricity, gas or other services,
to the extent reasonably necessary for the building to function as a dwellinghouse.

materials, tractor and equipment. The declaration attests that the building was in agricultural use on 1 March 2013 and the appellant's land surrounding the appeal building has been in agricultural use with the grazing of both sheep and horses.

12. Apart from the declaration, there is no firm evidence that the building has been part of an established agricultural unit or that it was being used in connection with a trade or business operating from the site. I have been given nothing to indicate the frequency or volume of sales from the sheep enterprise and there are no business accounts, ledgers or receipts showing individual transactions. Nor have I been supplied with the property's holding number, which is necessary to keep livestock such as sheep.
13. At the time of my visit several of the bays in the appeal building were empty, but others contained stored items including wood, mesh fencing panels and poles, bricks, barbed wire and a small pile of sheep fleeces. I did not observe any animals grazing in the appellant's adjacent fields. Whilst the Council points out that the design of the building is more suited to keeping horses, I accept the appellant's point that this does not rule out its suitability for agricultural use. However, whilst the items that I saw in the building could be associated with the maintenance of agricultural land and buildings and sheep rearing, the majority of the items could equally be associated with general property maintenance.
14. Whilst the appellant points to the adequacy of the statutory declaration having regard to caselaw², Paragraph W(3) of the GPDO places the onus upon the developer to demonstrate compliance with the relevant limitations and restrictions.
15. In this regard, for the reasons I have explained above, I find that the appellant's evidence is insufficient to confirm the existence of an agricultural trade or business on the site, either on the prescribed date or currently. Consequently, on the evidence presented, I am not persuaded that the appeal building has changed from equestrian use to agricultural use, and I must conclude that the proposal does not constitute permitted development under Class Q.1 (a).

Paragraph Q.1 (h)

16. On my site visit observed what the Planning Officer describes as a new timber porch addition. I saw that it had short rafters which had been affixed to the building. In contrast I saw that the majority of the appeal building's roof rafters span the whole depth of the building, terminating at the party wall.
17. The Council contends that the canopy is not original and because it has been added to the building later, the proposal which involves the enclosure of the canopy would extend beyond the envelope of the existing building, contrary to paragraph Q.1 (h).
18. Whilst I agree with the Council that the canopy is likely not original, paragraph X does not define what an 'existing building' is and paragraph (h) prohibits development that results in the external dimensions of the building extending beyond the external dimensions of the *existing* building (my emphasis). As the canopy forms part of the existing building and the proposed conversion would not extend beyond it, I disagree with the Council and find that the proposal accords with paragraph Q.1 (h).

² Gabbitts v SSE & Newham BC [1985] JPL 630 7

Paragraph Q.1 (i)(ii)

19. Regarding the proposed demolition, paragraph (i) requires demolition must be partial and secondly, it must be reasonably necessary for the building to function as a dwellinghouse.
20. The proposed development would see the demolition of the adjoining barn and the conversion of the appeal building into a dwelling.
21. I saw on my site visit that the appeal building is structurally intact, and the appellant's Structural Engineers Report confirms that the building is capable of conversion without the need for any new load bearing structural elements.
22. Whilst the proposal would involve the complete demolition of the adjoining barn, the demolition necessary to convert the appeal building to a dwelling would be limited to the demolition of the existing party wall. As such and as the rest of the appeal building would remain largely intact and unaltered except for the provision of new openings, I find that the works to convert the appeal building to a dwelling is consistent with partial demolition and works reasonably necessary to carry out building operations allowed by Q.1 (h). The proposal would not, therefore, conflict with this criteria. Nevertheless, because the proposal fails criteria Q.1(a) it does not constitute permitted development under Class Q of the GPDO.

Prior approval

23. As I have found above that the proposal would not constitute permitted development under Class Q.1 (a) there is no requirement for me to consider the matters for which prior approval is required under Paragraph Q.2(1).

Other Matters

24. With reference to the plan defining the site curtilage, had I been minded to allow the appeal, I would have provided the appellant the opportunity to provide a new plan which is consistent with the definition set out in Paragraph X. However, as I am dismissing the appeal that has not been necessary.

Conclusion

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

SE Hughes

INSPECTOR