
Appeal Decision

Hearing held on 10 March 2026

Site visit made on 10 March 2026

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Appeal Ref: APP/Y2003/W/25/3368618

Land at Carrside, Epworth DN9 1DX

- 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 Neal against the decision of North Lincolnshire Council.
 - The application Ref is PA/2025/335.
 - The development proposed is application to determine if prior approval is required for a proposed change of use of agricultural buildings to dwelling house (Use Class C3) under Class Q.
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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 change of use of agricultural buildings to dwelling house (Use Class C3) at Land at Carrside, Epworth DN9 1DX in accordance with the application PA/2025/335 and the details submitted with it including plan nos “Proposed Plans and Elevations – 758-02B” and “Location Plan – 758-01A”, and subject to the following condition:
 1. If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site, no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The approved method statement shall thereafter be implemented in full.

Preliminary Matters

2. An application for costs has been made by Mr and Mrs Neal against North Lincolnshire Council. This is the subject of a separate decision.
3. As the appeal proposal relates to a prior approval notification made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (‘the GPDO’), development plan policies and the National Planning Policy Framework (‘the Framework’) can be considered relevant, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Background and Main Issue

4. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a 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). It also permits building operations reasonably necessary to convert the building.

5. Condition Q2 of Schedule 2, Part 3 of the GPDO states that where development is proposed under Class Q, that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to a number of matters.
6. The Council contends that the development had begun before the application for a determination as to whether prior approval would be required was submitted. Therefore, the main issue is whether the proposal amounts to development permitted under Class Q of Part 3 of Schedule 2 of the GPDO.

Reasons

7. The appeal building is a large shed of blockwork and metal sheeting construction with roller shutter doors and a concrete floor, located towards the corner of a wider grassed area and accessed by means of a rough track from the nearest road. Part of the grassed areas is fenced, and at the time of my visit was occupied by a flock of sheep. To the west is located a mobile home.
8. At the time of my visit, the appeal building contained a variety of farming equipment including a tractor, a baler and a cultivator. Although there was a small amount of domestic storage in one area, the building was clearly in use in relation to agriculture, a point on which the parties do not differ, and I have no reason to disagree.
9. I understand that the appellants purchased the site in 2020 and that shortly afterwards, a touring caravan was introduced. I heard that some subsequent works were carried out including the installation of a mains water supply in late 2020, the stoning up of the access track in early 2021 and the installation of a foul package treatment system close to the agricultural building in the summer of 2024. It was also stated that in September 2024, a mobile home was introduced to the site, and subsequently connected to the foul package treatment system and mains water in October 2024.
10. As acknowledged by the appellants at the hearing, some works, including the installation of the foul package treatment system would have the potential to ultimately serve the appeal building once converted. Be that as it may and even acknowledging the works that have taken place to date, the application form as originally submitted referred only to the change of use of the building and any associated building works or other operations as specified on the accompanying drawings.
11. While some alterations to the building are shown on the provided plans in terms of additional windows and internal works, none appear to relate to works which have already been carried out at the site, such as access improvements or drainage, regardless of whether or not such works may have required separate planning permission. It cannot be said that the change of use has already occurred, nor, having regard to Section 56(4) of the Town and Country Planning Act 1990, or the cited case law¹, that the proposal has commenced.

¹ *Winters v SSCLG* [2017] EWHC 357

12. There is planning history at the appeal site, and in particular an application² for a lawful development certificate in order to establish that a previous prior approval³ granted in 2020 for the conversion of the building to a residential dwelling had been lawfully implemented. This application was withdrawn prior to determination.
13. However, that application related to a different prior approval development which included a far larger curtilage, erroneous though this may have been. This withdrawn application establishes very little beyond the evidence that is otherwise before me, and regardless of the determination that the appellants were seeking at that time, it was withdrawn before the Council's decision in any case. No final conclusion was drawn as to whether the proposal had been lawfully implemented and given the undisputed evidence before me in relation to potential flaws in the original grant of prior approval, it is possible that it could never have been lawfully implemented in any event.
14. Therefore, the appellants' previous position does not irretrievably prevent any future change of use of the building amounting to permitted development. Nor do the works which have already been carried out on the wider site. Moreover, that the appellants may have previously made applications for approval under Building Regulations and site inspections carried out in 2023, does not conclusively demonstrate that any change of use of the building had previously occurred.
15. Drawing all of the above together, I consider that it has not been shown that the development was begun before the application for prior approval was submitted. Accordingly, there is no conflict with Condition Q2 of Schedule 2, Part 3 of the GPDO. On this basis, I consider that the proposal would amount to development permitted under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO.

Prior approval matters

16. The Council raises no concerns in relation to the prior approval matters Q.2(1)(a) to (e) and (g) which relate to transport and highways, noise, contamination, flooding risks, location or siting and the provision of adequate natural light in all habitable rooms.
17. I have taken account of the comments made by consultees at the application stage in relation to the prior approval matters, including that the site lies within an Area of Special Historic Landscape Interest, however there is no substantive evidence before me in relation to these issues that would indicate that prior approval should be withheld. Based on my observations on site and the information before me, I have no concerns in respect of the above matters. Therefore, the proposal would comply with these other matters considered under Class Q.2.

Other Matters

18. I am aware that a number of issues were raised by interested parties, including ecology, waste management, lack of agricultural justification and the location of the appeal site outside of any settlement boundary. However, as these issues do not relate to the prior approval matters, I am unable to take account of them in reaching my decision.

² PA/2024/1235

³ PA/2020/1641

Conditions

19. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of three years starting with the prior approval date. A condition relating to the commencement of development is therefore not necessary.
20. Paragraph W. (13) provides for additional conditions reasonably related to the subject matter of the prior approval. I have had regard to the condition put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I have also had regard to the tests in the National Planning Policy Framework, Planning Practice Guidance and the GPDO.
21. A condition relating to managing previously unknown contaminated land is necessary in the interests of the living conditions of future occupiers, is reasonable, and is related to the prior approval matters.

Conclusion

22. For the reasons given above, I conclude that the proposal would be permitted development and would be acceptable with regard to the prior approval matters. Therefore, the appeal is allowed and prior approval granted.

C Harding

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr J Neal	Appellant
Mrs L Neal	Appellant
Miss L Pogson BSc(hons) MRTPI	Planning Consultant, Vesta Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Jackson	Senior Planning Officer
Mr C Clark	Planning Officer