



Appeal Decision

Site visit made on 9 June 2026

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2026

Appeal Ref: APP/E2001/W/26/3378099

Willow Tree Farm Shop, Langrickgate Lane, East Cottingwith, East Riding of Yorkshire YO42 4TQ

- 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 MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Richard Wilson against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/02019/ERNOT.
 - The development proposed is to change the use of part of a building currently used as a cafe and butchers shop into private living accommodation.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses), subject to limitations and conditions.
3. Condition MA.2.(2) explains that before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to certain matters. The Council's reason for refusal states that the change of use being sought under this procedure has already occurred in part, and consequently the application cannot be considered under this prior approval procedure.
4. Paragraph W.(3) of the GPDO states that the local planning authority may refuse an application where, in the opinion of the authority, 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, subject to exceptions.
5. Having regard to the above, the main issue is whether the prior approval application was made "before beginning the development" as required by condition MA.2.(2) of Class MA.

Reasons

6. The appeal site comprises an L-shaped single-storey building with surrounding land featuring other buildings and a container described as stores, a farm building and grassed areas. It also features hardstanding and an existing vehicular access from the adjacent highway. The L-shaped building is the subject of the appeal regarding the change of use.
7. The planning history refers to previous applications permitting the erection of a farm shop and butcher's preparation area, as well as extensions and change of use from store to cafe. More recent retrospective applications referring to change of use and alterations to allow conversion to dwelling were refused permission, although there are no specific details before me regarding any of these applications, for example submitted plans.
8. Prior approval cannot be granted for development that has already begun, even if it is not completed. Section 55 of the Town and Country Planning Act 1990 (as amended) (the Act) states that 'development' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 56(2) of the Act states development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Having regard to Section 56(4) of the Act, material operation includes any change in the use of any land which constitutes material development. Under Section 56(5)(a), this would not include development for which planning permission is granted by a general development order carried out so as to comply with any condition or limitation subject to which planning permission is so granted. In this instance, such development would need to comply with Class MA of the GPDO.
9. In considering whether a change of use has occurred, I have had regard to factors including the physical state of the building and the actual, intended or attempted use. In this instance, any physical works appear to have been limited to internal alterations, such as those indicated in the appellant's submission regarding a stud wall and photographs dated 2018.
10. At my visit, the eastern part of the building reflected the layout shown on the existing ground floor plan submitted with the application, albeit the cafe and butcher's shop was not in operation. The area to the western part of the building comprised a similar layout to that shown on the existing ground floor plan. This included the kitchen and lounge areas that were furnished and appeared to be in use, or were available for use, associated with residential purposes. Whilst the existing floor plan shows a bedroom, there was no bed in this room at my visit, although there was some domestic furniture. The area indicated as a bathroom on the existing floor plan was in use for storage, with a toilet, sink and washing machine within this part of the building. Consequently, this part of the building has characteristics of residential use, rather than commercial use falling within Class E.
11. Although the description refers to the change of use of part of the building, the appeal site includes the whole building and the surrounding land. Based on the evidence before me and my observations of its overall layout, with access between the eastern and western parts, in my view the building comprises a single planning unit. There is also nothing before me to indicate these should be considered as separate planning units. The submissions show that the building as a whole would

comprise a single dwellinghouse and the application form describes a net increase of 1 dwelling. The proposed floor plan shows that the part of the layout used as cafe and butcher's area would comprise an open plan living/dining area, master bedroom with en-suite, and storage areas. A kitchen, bathroom, bedroom and sitting room/home office, similar to the layout on the existing floor plan, are proposed for the remainder of the building.

12. Whilst the eastern part of the building appeared available for Class E use, the western part appears to have been altered, with the layout and characteristics of residential use as described above. It is also notable that the existing floor plan shows residential use of this area, further indicating a partial change of use has already taken place. In addition, the appellant does not dispute that supporting documents submitted for previous retrospective applications acknowledge that a change of use had already occurred in part. Whilst they suggest some work was 'signed off' in 2018, there is nothing before me to indicate what this relates to, or that it would allow residential use of the building for planning purposes.
13. Having regard to the above, including the current physical state of the building, the use indicated on the existing floor plan and my observations, it appears to me that a change of use has already occurred in this instance, even if this is only to part of the building. The likelihood of a change of use having occurred is further supported by the appellant's intended use of the building as a whole as shown on the proposed plan. I also have nothing before me to indicate any apparent residential use should be regarded as ancillary to Class E use.
14. Accordingly, from the information before me and my observations on site, I am not satisfied that the prior approval application was made before beginning the development, and that it complies with the requirements of condition MA.2.(2) of Part 3, Class MA of the GPDO. Consequently, it is not permitted development.
15. As the matters for prior approval apply only if the development complies with the conditions, limitations and restrictions specified in Class MA as being applicable to the development in question, there is no need to consider whether prior approval should be granted.

Other Matters

16. I acknowledge the representations, including those submitted in support of the development and some reference to a toilet and sitting area providing facilities alongside the commercial use. However, these do not alter my conclusion on the main issue and my assessment of the development having regard to the specific requirements of the GPDO.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR