



Appeal Decision

Site visit made on 23 March 2026

by K Allen MEng (Hons) MArch PGCert ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: 6003658

Rear of The Chestnuts, Reservoir Road, Surfleet PE11 4DH

- 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 Harry Brown against the decision of South Holland District Council.
 - The application Ref is H17-0485-25.
 - The development proposed is described as, 'The site is located approximately halfway down Reservoir Rd, Surfleet, Spalding, on the northern side. The building sits at the rear of cartilage of The Chestnuts and has it access to Reservoir Road. The whole building will be converted into a single dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 21 May 2024, Statutory Instrument 2024 No. 579 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 GPDO). Under the transitional arrangements, set out under Article 10, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025. It is clear from the information before me that the intention is to use the permitted development right as it stood prior to 21 May 2024. I have therefore dealt with the appeal on this basis.
3. An amended flood risk assessment and plan have been submitted by the appellant which propose an increase in finished floor level as a flood mitigation, altering the overall floor area of the proposal. Although the appeals process should not be used to evolve a scheme, in this instance, they are relevant to the main issues and the Council have been able to comment, as such I am satisfied that the amendments are not substantial and that accepting the plans would not prejudice any party. Therefore, I have considered drawing no. 22/621/PA/012B.

Background and Main Issues

4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for (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 use class C3 (dwellinghouses) together with (b) building operations reasonably necessary to convert the building, subject to limitations and conditions.

5. The Council refused to grant prior approval on the basis that the proposal did not constitute development permitted under Schedule 2, Part 3, Class Q as the building was not used solely for agriculture on the specified dates under Class Q. A further reason for refusal refers to flooding concerns and consequently the building design, which are matters requiring prior approval in relation to Class Q development.
6. Accordingly, the main issues are:
 - whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the use of the building; and, if so,
 - whether or not prior approval would be required in accordance with the condition set out in Paragraph Q.2(1) of the GPDO having regard to whether the flooding risks on the site would be acceptable and the sufficient space would be provided.

Reasons

Whether the proposal would be permitted development

7. The appeal site comprises a dilapidated building. The building forms part of a wider parcel of land within the appellant's ownership, which includes a road fronting residential property. Both buildings share a joint vehicular access with a long track leading to the appeal building at the rear of the site.
8. Whilst the appeal building is sited in a notably different location, planning permission was granted for a piggery on the appeal site in April 1976¹. Despite the variation, the parties agree that the building was originally constructed and operated as a piggery, a position which is further supported by a statutory declaration from a local farmer.
9. Paragraph Q.1(a) 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 – (i) 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, or (iii) in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
10. Whilst planning permission has never been granted for a change of use of the building to any non-agricultural purpose, the GPDO does not limit considerations to lawful use. I have not been provided with any evidence in relation to the qualifying date, however the appellant asserts that since 2019 the building has not been used for any residential, commercial, industrial or business purpose. At the time of my site visit the building was devoid of any non-agricultural contents, with some small piles of hay and a few miscellaneous items such as a pitchfork.
11. Whilst Class Q does not require continuous agricultural use, the council contends and the appellant acknowledges that the building has been used in recent years for storage. This is further demonstrated by photographs provided within the structural assessment, submitted as part of the application which clearly show the

¹ Application Reference: H17-0135-76

storage of items which cannot be considered ancillary to an agricultural use, including an armchair and an elliptical trainer.

12. Taking all the above into account and based on the evidence before me, it has not been demonstrated on the balance of probabilities, that the appeal site has been used solely for an agricultural use as part of an established agricultural unit, as required by paragraph Q.1(a) of Class Q. Consequently, the change of use of the appeal building and any land within its curtilage to a use falling within Class C3 would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Prior approval

13. Given my conclusion that the proposal would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether prior approval would be required, as it would not alter the outcome of the appeal.

Other Matters

14. There are no concerns regarding location or highway safety. The building is capable of conversion, and the proposed works fall within the scope of building operations reasonably necessary to facilitate the conversion. Nevertheless, these are neutral matters which neither weigh in favour of or against the proposal.

Conclusion

15. For the reasons given and based upon the evidence before me, I conclude that it has not been demonstrated that the appeal proposal is permitted development under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Accordingly, the appeal is dismissed.

K Allen

INSPECTOR