



# Appeal Decision

Site visit made on 24 October 2023

**by C Butcher BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> December 2023**

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**Appeal Ref: APP/C1435/W/23/3321437**

**Barn Gate Meadows, Lewes Road, Laughton, Lewes, East Sussex BN8 6BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Henry Dennard against the decision of Wealden District Council.
  - The application Ref WD/2023/0481/P04, dated 20 February 2023, was refused by notice dated 25 April 2023.
  - The development proposed is described as a change of use from an agricultural building to 1 dwelling (C3 use class).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with particular regard to the building operations reasonably necessary to convert the building to residential use.

## Reasons

3. The existing structure on the site is a simple agricultural barn, comprising corrugated metal cladding bolted to a steel frame with a sheet metal roof. The barn is entirely open on its eastern elevation.
4. Class Q(a) of the GPDO permits development consisting of 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
5. GPDO Paragraph Q.1(i) indicates that development is not permitted if the development would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse. Furthermore, Planning Practice

Guidance (PPG)<sup>1</sup> states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right.

6. In addition, the PPG specifically refers to the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)* (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
7. In this instance, the appellant has provided a structural survey of the existing building which was conducted by vkhp-consulting (February 2023). The survey is relatively brief although it does conclude that it is a well-built building, that the existing metal frame is in good condition, and that it is suitable to be retained as part of a conversion. However, the survey provides no details on what further works would be required to facilitate the conversion of the barn to a dwelling. In order to rectify this situation, the appellant provided the Council with some further details in the form of an email from vkhp-consulting and a plan. The email sets out that the necessary works would include the installation of a reinforced concrete slab at floor level which would be suitably thickened at its edges to carry the load of new insulated walls and a suspended ceiling. As a result, there would be no increase in load on the existing metal frame.
8. The PPG identifies that it may be appropriate to undertake internal structural works including to allow for a floor. However, in my view, the proposed load bearing reinforced concrete slab goes beyond the simple provision of flooring. Indeed, the need for such an installation suggests that the current structure may not be capable of bearing the full weight of the proposed works. Therefore, in my view, the provision of the concrete slab, in combination with the works required to infill the existing open elevation, go beyond building operations that are reasonably necessary for the building to function as a dwelling, and it cannot be concluded that the existing building is already suitable for conversion. Indeed, while the proposed dwelling would retain the general appearance of the existing barn including the metal cladding, I am satisfied in this instance that, having regard to the Hibbitt case, the extent of the proposed works means that it would be more akin to a partial rebuild than a conversion.
9. The appellant has provided details of various other appeal decisions in support of their case, including some that were allowed. I do not have the full details of those decisions before me, and each case must be considered on its individual merits. However, as part of those decisions it was concluded that the proposed works would not go beyond what was reasonably necessary to allow for a conversion. I have set out why that would not be the case in this instance.
10. As such, the proposed development falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

## **Conclusion**

11. For the reasons given above, and taking into account all other matters raised, the appeal is therefore dismissed.

*C Butcher*

INSPECTOR