



Appeal Decision

Site visit made on 9 May 2024

by Lewis Conde BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/H1840/W/23/3333376

**Briary House Farm, North Piddle Lane, North Piddle, Worcestershire
WR7 4PR**

- 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 Mrs J Goff against the decision of Wychavon District Council.
 - The application Ref is W/23/01395/GPDQ.
 - The development proposed is the conversion of a Dutch barn into a larger dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the original planning application form, albeit I have removed additional description that did not relate to matters of development.
3. The appeal proposal relates to a prior approval notification made under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO). Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issues

4. The main issues are whether the proposal would be permitted under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO, specifically:
 - Whether the site was solely used for an agricultural use as part of an established agricultural unit on the required date to comply with Paragraph Q.1(a) of the GPDO; and
 - Whether the required building operations are to the extent reasonably necessary to carry out the conversion of the building to comply with Paragraph Q.1(i) of the GPDO.
5. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.

Reasons

Agricultural Use

6. Paragraph Q.1(a) of the GPDO states that development is not permitted by Class Q if the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013 or, 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.
7. The appeal building is a Dutch barn, that is situated within a field in a rural location, with open countryside and agricultural fields located beyond the western boundary of the site. At the time of my site visit, there was various agricultural equipment being stored within the barn.
8. The appeal site forms part of the appellant's agricultural holding at Briary House Farm, with evidence of an established agricultural unit including RPC Payments from 2009 and more recent correspondence from the Rural Payment Agency (December 2023). The appellant has also provided a statutory declaration, signed and witnessed, that details that the appeal building has been let out for agricultural purposes since 2009, namely for the storage of machinery and agricultural fodder. Additionally, a letter from the current tenant who states the building is used to support his agricultural business has also been received. No robust evidence, including from third parties, has been provided to refute the appellant's evidence.
9. Consequently, from the available evidence, I have no reason to believe that the appeal site was not solely used for an agricultural use as part of an established agricultural unit on the required date. Accordingly, I find the proposal to comply with Schedule 2, Part 3, Class Q, Paragraph Q.1(a) of the GPDO.

Building Operations

10. The Dutch barn is open-sided along its western elevation. It is also largely open along its eastern elevation, with corrugated sheeting only provided at a high level across this elevation. Additionally, while the end elevations of the building are largely enclosed by corrugated sheeting, the cladding is not grounded instead being set a significant height above floor level. The roof of the building is covered in curved asbestos cement type sheeting.
11. The building also does not possess a complete floor slab. Instead, majority of the building's floor is earth, with some very limited areas of broken hardstanding that appeared to be in a generally poor condition.
12. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it 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 dwelling house.
13. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Accordingly, it is only where the existing building is already suitable for

conversion to residential use that the building would be considered to benefit from the permitted development rights.

14. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention has though been drawn to the Hibbitt judgement¹ which relates to the difference between conversions and rebuilding dealt with under Class Q. This is important because if a development does not amount to a conversion it would fail to be development permitted under Class Q.
15. The Hibbitt case suggested that an agricultural building may be so skeletal and minimalist that the works needed to alter it to be used as a dwelling would be of such a magnitude that it would be tantamount to a new build or rebuild as opposed to a conversion. Furthermore, Hibbitt reinforces that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.
16. A 'Preliminary Structural Condition Report' (herein referred to as the structural report) has been provided by the appellant. The structural report has been prepared by a chartered building surveyor and has involved an inspection of the building's structural elements and fabric. It has found the existing structural steelwork to be in suitable condition to support the proposed external walls and roof loads, with only preparation and redecoration required to treat identified areas of corrosion. However, the structural report was based upon a visual inspection only, with no unexposed elements of the building being inspected, as such no specific details of the existing foundations have been provided, nor have any structural calculations for the proposed development been prepared.
17. Even if the barn's existing steel frame and structural elements are sound and capable of being utilised in the proposed dwelling without structural reinforcement or alteration, consideration still needs to be given to the total extent of works proposed and whether they amount to a conversion of the building.
18. The proposal would involve replacing the existing asbestos cement type sheeted roof with insulated composite roof sheeting. The floor would be reduced in level to allow an entirely new insulated floor to be laid. Additionally, existing cladding to the elevations is proposed to be removed, with the building's elevations to be enclosed by new walls with external cladding comprising composite sheeting or timber boarding. New door and window openings would also be provided. Consequently, the proposal would effectively entail an entirely new building envelope.
19. Additionally, an internal freestanding timber frame is proposed to provide insulation, with the frame also required to support the first floor to the proposed dwelling. Given that this would be an independent component, the appellant's structural report indicates that the existing structural elements would remain responsible for supporting all external load bearing requirements.
20. Individually, the works for each of the above identified components may be permissible under the terms of paragraph Q.1(i) of the GPDO. However, having

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

regard to the scale and nature of the proposed works and established case law, I find that the totality of the works would be tantamount to a substantial re-build, as opposed to a conversion.

21. Accordingly, I find that the proposed development would go beyond building operations reasonably necessary to convert the building into a dwellinghouse. As such it would fail to comply with paragraph Q.1(i) of the GPDO and would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order.

Other Matters

22. To support the appeal scheme, the appellant has referred to an appeal decision (ref: APP/J1860/W/22/3294191) at Woodend Farm in Malvern Hills, which I allowed in 2022. The Woodend Farm appeal also related to a Dutch barn whereby prior approval was sought by the appellant under Part Q of the GPDO. It therefore shares some similarities to the current appeal scheme. However, the extent of works involved for the scheme at Woodend Farm was not as significant as the current proposal. For example, it included retaining existing block walls, which although non-structural, largely enclosed the building, whilst that building also had an existing concrete floor slab throughout that was to be retained. The Woodend Farm appeal scheme also benefitted from a more thorough structural survey that included trial pit excavations to consider the existing foundation design and the condition of stanchions where they interacted with the ground. Additionally, detailed structural calculations were also submitted for the Woodend Farm proposal. As such, the current appeal scheme is not comparable to that previous decision.
23. Additionally, the appellant has referred to a significant number of other prior notification decisions under Part Q of the GPDO, whereby the Council (or Inspectors) have found the extent of building works proposed to adhere to Q.1(i) of the GPDO. However, I do not have the full context of these decisions including the precise conditions of the relevant agricultural buildings for conversion or the full extent of works involved in each case. In any case, the appeal scheme has been determined on its own merits. My decision therefore does not turn on these previous decisions.
24. The appellant may be able to utilise existing permitted development rights to undertake maintenance or repairs to the appeal building, potentially including re-roofing the building, re-cladding walls and inserting a floor. However, this does not alter the fact that the development as proposed does not meet the requirements of Class Q of the GPDO.

Conclusion

25. For the reasons given above, I find that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR