



Appeal Decision

Site visit made on 12 November 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/U2235/W/24/3344503

**2 The Lambing Shed, Blue House Farm, Battle Lane, Marden, Kent
TN12 9AN**

- 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.
 - The appeal is made by Mr Mark Schneidau against the decision of Maidstone Borough Council.
 - The application Ref is 23/505406/PNQCLA.
 - The development proposed is Prior notification for the change of use of agricultural building to 1no. dwelling with associated operational development. For its prior approval to: - Transport and Highways impacts of the development - Noise impacts of the development - Contamination risks on the site - Flooding risks on the site - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses) - Design and external appearance impacts on the building - Provision of adequate natural light in all habitable rooms of the dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO). Amendments to Class Q came into force from the 21 May 2024. However, these included transitional arrangements, such that any application or appeal made before 21 May 2024 should continue to be determined against the previous version of Class Q of the GPDO. I have therefore proceeded on this basis and herein reference to the GPDO are in relation to the 1 August 2020 version.

Background and Main Issue

3. Class Q (a) 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 Class C3 use (dwellinghouse). This provision also includes, at (b) any building operations reasonably necessary to convert the building. The proposal includes development subject to both criteria.
4. It is disputed between the parties whether the scheme only proposes works that are reasonably necessary for the conversion to take place as required by Paragraph Q.1(i) of the GPDO. No other matters are in dispute.

5. Consequently, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(i) of the GPDO.

Reasons

6. Paragraph Q.1(i) of the GPDO identifies the extent of building works permitted under Class Q as being those reasonably necessary for the building to function as a dwellinghouse. These include the installation or replacement of windows, doors, roofs, or exterior walls. The permitted development rights also include partial demolition, to the extent reasonably necessary to carry out such building operations.
7. The Planning Practice Guidance (PPG) advises, amongst other things, that the Class Q right assumes that the agricultural building is capable of functioning as a dwelling. It is therefore not the intention of Class Q to allow rebuilding work, which would go beyond 'reasonably necessary'. The question of whether a proposal would be a conversion or a rebuild is central to whether the barn is capable of conversion. Furthermore, a rebuild would not necessarily follow total demolition, it is instead a test of substance and planning judgement. This aligns with the conclusions from the *Hibbitt*¹ judgment.
8. The existing barn is a long narrow single storey building, divided into numerous bays, and built from a mix of brick, block and timber and a corrugated cement fibre board roof. The building has been recently, in part, re-clad and new cladding has been added to the front elevation. The timber roof truss structure of the building is a distinctly low feature with its beams set below the height of the top of the entrance doorways.
9. The appellant has provided a letter from a structural engineer, which says that the building is in a reasonable structural condition with the roof over most of the building requiring little to no attention. However, the letter does not provide a detailed appraisal of the proposed development before me quantifying the full extent of structural works proposed, including to the roof structure.
10. The appellant has sought to clarify this and has provided a long section drawing and shaded drawings within the Appeal Rebuttal Statement. The shaded floor plan indicates that four roof trusses are to be retained (two crossing the garage and two crossing the bedroom/bathroom). However, this contrasts with the submitted proposed floor plan, which shows these coloured red and to be demolished, in addition to three others and the ridge boards.
11. Four new feature trusses have been illustrated on the floor plan but there is no substantive evidence that these are not necessary to provide structural support. Moreover, it remains unclear from the drawings before me over the full extent of works to the roof structure, including the works to the beams supporting the rafters, which divide the building at a low height and subsequently impact on the layout and use of the internal space.
12. The drawings also do not show the roof purlins and whether these are to be removed in addition to all the ridge boards. Moreover, the appellant indicates that the two internal brick walls would be partly retained as shaded green. This, it is described, would be at a higher level supported by lintels, which, in

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

my view, would amount to a large section of structural walling. This includes one crossing the full width of the open plan dining/kitchen area. However, this is shown still in situ on the long section drawing provided.

13. There is no substantive evidence that the appellant's shaded depictions have been prepared or reviewed by a suitably qualified structural engineer. Moreover, there are no detailed cross sections or drawings quantifying the full extent of structural works proposed.
14. The roof structure of this building is an important component as to whether the barn is capable of conversion and functioning as a dwelling. In this regard, the submitted drawings and structural evidence lack the necessary clarity and detail to persuade me that the proposed development would proceed as a conversion. Without such detail I can not be satisfied that the proposal would not instead constitute rebuilding, even with the other retained features agreed between the parties and notwithstanding the dispute as to whether recent works amounted to more than building maintenance and repair works.
15. I therefore conclude that the submitted scheme would not be permitted development under Schedule 2, Part 3, Class Q.1(i) of the GPDO.
16. I have been referred to several examples of barns considered and determined under Class Q of the GPDO. However, each case is different in terms of the building, evidence, and works proposed. Ultimately however, I must consider the proposal before me on its own facts, on the evidence before me and in accordance with the legislation. These other cases, including the adjacent site granted previously by the Council do not therefore lead me to reach a different conclusion on the appeal proposal.
17. Concerns regarding the processing of the application, including matters relating to communication, are not matters for my consideration and do not alter my assessment against the legislation.
18. The benefits of the proposal, including amongst other things, benefits to the appellant's family, or wider public benefits to support rural communities and rural housing, fall outside the scope of the prior approval process.
19. For the reasons given above the appeal should be dismissed.

Mr R Walker

INSPECTOR