



Appeal Decision

Site visit made on 20 January 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/L1765/W/24/3348403

New Farm Barns, Northington Road, Itchen Abbas SO21 1BU

- 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 The Grange Hampshire LLP against the decision of Winchester City Council.
 - The application Ref is 24/00123/PNACOU.
 - The development proposed is the change of use of 4 agricultural barns to create 5 no. dwellings and associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of 4 agricultural barns to create 5 no. dwellings and associated operational development at New Farm Barns, Northington Road, Itchen Abbas SO21 1BU in accordance with the application 24/00123/PNACOU and the details submitted with it and subject to the following condition:
 - 1) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Preliminary Matters

2. The description of development provided within the application form is 'Please refer to supporting Planning Statement'. I have therefore used the description provided in the appellant's Appeal Form in the banner heading above, which provides an accurate description of the proposal, although have I removed elements that are not descriptions of development.
3. The numbering of the barns the subject to this appeal differs between those shown in the submitted drawings and those referred to within the Structural Report¹ (SR). I will refer to the buildings as referenced within the SR, as this is consistent with

¹ Vkh-p-consulting civil and structural ref: PLM/ATB/604223

the numbering utilised in the identification of the buildings within the Council's Officer Report (OR).

4. 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) (GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the application was made in January 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

Background and Main Issue

5. Schedule 2, Part 3, Class Q of the GPDO permits (a) the change of use of an agricultural building to residential use; or (b) the change of use together with building operations reasonably necessary to convert the building. In this case, both change of use and building operations to convert the buildings in question are proposed. The main parties disagree as to whether the scope of the building operations proposed would constitute a conversion of the buildings, and therefore, whether it would fall within the scope of the development permitted by Class Q(b).
6. The Council does not dispute that the proposal is acceptable with respect to the other matters required to be satisfied under paragraph Q.1.
7. Therefore, the main issue is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of the proposed building operations and the requirements of the Order.

Reasons

8. 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 Planning Practice Guidance 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'.
9. The GPDO does not define what is meant by 'reasonably necessary' building operations. However, the court judgement in the case of *Hibbitt*², considers how this element of the Order should be interpreted. The judgment found that whilst some building operations which would affect the external appearance of the building should be permitted, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building. Whether or not the proposals go beyond the scope of conversion is a matter of fact and degree and planning judgement.
10. Although the Council have not raised concerns in relation to building 1, the Council consider that works in relation to building 4 are more akin to rebuilding, whilst works to buildings 2 and 5 are not adequately detailed.

² Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853

11. Whilst building 2 is block built and largely enclosed, building 4 is an open fronted steel framed structure, with around half the sides also open, whilst building 5 is also steel framed and largely open fronted. The appellant's planning statement outlines that existing external fabric and roof material will be retained and incorporated in the design, albeit being clad in areas. Other external changes include the introduction of openings, the infilling of the currently open parts of the buildings and standing seam roof coverings.
12. I observed the buildings to be as described within the SR and in reasonable condition. The SR details that with the exception of localised deterioration as a consequence of water ingress, roof structures and steel framing of the buildings appear to be in satisfactory order, exhibiting little significant displacement or deflection.
13. Furthermore, the SR concludes that there would be no necessity for substantive reconstruction when considering a change of use of the buildings. No substantive contrary evidence has been provided to me as to why the development could not come forward as proposed, including the retention of existing materials, albeit in places faced with cladding.
14. Infilling of some elevations as well as windows, doors, and new facing materials would be required. However, the building operations proposed are not significant alterations that involve significant removal and replacement of existing materials or structural works, that, in my view would amount to complete or substantial rebuilding of the pre-existing structures.
15. Other appeal decisions have been drawn to my attention, although full details, or the decision letters of the other cases are not before me. In two cases referenced³, I am told that as walls and roofs were to be stripped off and replaced, the Inspector concluded that the 'entire' recladding of the building was a 'rebuild'. Within the other referenced appeal⁴, I am told it was concluded from the structural report that existing frames lacked the weight and stability necessary to withstand new additions to the building. Therefore, the information that is before me indicates that the other cases materially differ to this proposal.
16. To conclude, the evidence indicates that the works required for the conversion would utilise the existing structure and significant amount of existing external wall and roof material. I find that the building operations would be reasonably necessary for the building to function as a dwellinghouse and would not exceed the limitations set out in paragraph Q.1(i). As such the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

17. The conditions set out in paragraph Q2(1) (a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to these matters. Based on the evidence before me and my observations on site, I have reached the same finding in respect of the above matters.

³ APP/L1765/W/22/3290825 & APP/L1765/22/3290829

⁴ APP/L1765/W/22/3304968

Conditions

18. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. Further standard conditions are set out in paragraph W that requires development to be undertaken in accordance with the details provided in the application, and therefore it is not necessary to repeat these conditions.
19. Given the previous use of the buildings, it is reasonable and necessary for me to impose a further condition relating to potential contamination of the site, in the interests of safety and well-being during the construction period and of future occupiers.

Conclusion

20. For the reasons given above the appeal is allowed, and prior approval is granted, subject to conditions.

S Harrington

INSPECTOR