



Appeal Decision

Site visit made on 29 January 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/J1860/W/24/3353415

Ashfields Farm, Peachley Lane, Lower Broadheath, Worcestershire WR2 6QR

- 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 Mr Mark Pugh against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01072/GPDQ.
 - The development proposed is change of use of agricultural building to 6 dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include a description of development. Therefore, I have used the description on the appeal form, removing words that do not relate to an act of development.
3. The provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) were updated on 21 May 2024. As the application was made and determined after such date all references to the GPDO refer to the 2024 version.

Background and Main Issues

4. Under Article 3(1), Schedule 2, Part 3, Class Q (a) of the GPDO, development is permitted to change the use of agricultural buildings to Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to such use (Class Q (c)), subject to certain limitations and conditions.
5. The Council refused the application on the basis that the building is not capable of conversion, due to its construction and that the extent of works required to function as dwellings would go beyond what would be reasonably necessary. Also, it refused the application due to the harm that would be caused to the rural character of the building and surrounding area, in regard to condition Q.2-1(f) of the GPDO.
6. Therefore, the main issues are whether the proposed building operations are reasonably necessary to convert the building to dwellinghouses and, if the proposal is permitted development under Class Q, whether it complies with condition Q2.-(1) (f), in regard to the design or external appearance of the building and effect on the character and appearance of the building and surrounding rural area.

Reasons

Whether permitted development

7. The appeal building is a modern steel portal framed building with slab concrete floor and concrete block at the lower part of the walls between the steel frames. The remainder of the walls and roof are clad in cement fibre boarding. The building is attached to another barn at one end and at the opposite end there is one large opening. There are no existing openings along the side walls of the building.
8. Class Q1 of the GPDO sets out limitations on the building operations, including that under part (j) the development would consist of building operations other than- (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and (ii) partial demolition to the extent reasonably necessary to carry out these building operations.
9. Paragraph 105 of the Planning Practice Guidance (the PPG) advises that the right under Class Q permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. Although, the PPG sets out that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
10. The GPDO and the PPG do not define the term 'reasonably necessary.' Therefore, this is a matter of planning judgement based on fact and degree of an individual case. In reference to the Hibbitt judgement¹, this discusses the difference between conversions and rebuilding. While in the Hibbitt case, it involved a building of a different, more skeletal appearance compared to that of the appeal building, the considerations therein are of relevance to the appeal proposal.
11. The appellant's structural survey (the survey) by RCH Structural Engineers sets out that the appeal building is of good structural condition and concludes that it would be suitable for conversion under Class Q to dwellings without the requirement for structural alterations. It notes that a damp proof membrane could be laid on top of the existing concrete slab and that, although the existing cladding will be replaced with a modern insulated cladding, all changes will fall within the existing loading capacity of the structure. Furthermore, I observed during my site visit that the building is of a permanent and substantial construction, with no obvious visible defects to it. Therefore, without any substantive evidence to the contrary, I consider that the appeal building is structurally sound. Although, as asserted by the appellant, the PPG has removed reference to the structural stability of a building.
12. While the survey sets out that the internal works, including the new ceilings and floors would have new internal load bearing walls and there may be some contradictory detail in the survey. This does not mean that the building is not capable of conversion. The existing building is open plan inside and the proposal includes substantial internal alterations to subdivide the building and introduce the first floor accommodation for the proposed dwellinghouses. However, the PPG advises that internal works are not generally development and that, for a building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the

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

overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. Therefore, the internal works, even where they include internal structural works, would fall within the scope of the definitions within Class Q1.

13. As set out in the survey, it is anticipated that the existing cladding and cladding rails will be replaced with a modern insulated cladding system and, a significant number of new openings are proposed. This would reduce the extent of the side walls that would remain and change the external materials of the building. However, the installation or replacement of windows, doors, roofs or exterior walls is permitted under Class Q1 (j)(i) provided it is reasonably necessary for the building to function as a dwellinghouse. As demonstrated by the evidence, the works proposed are needed to convert the building so it can function as residential.
14. Even though there would be cutting into the walls to create the required openings, and so, would reduce the amount of the side walls remaining, this would not amount to rebuilding. The existing main steel structure of the building and concrete slab floor are to be used, which would support the external works. Therefore, in my opinion the proposed works, while substantial, would not go beyond the partial demolition of the building, nor be of a magnitude so as to comprise a fresh building. Furthermore, in regard to paragraph W of Part 3 of the GPDO, sufficient information has been provided to enable the establishment of whether the proposed development would comply with the stipulated limitations and conditions for Class Q permitted development.
15. In view of the above, I find that the proposed building works would not be of a scale nor magnitude that would go beyond what is reasonably necessary for the conversion of the building to function as dwellinghouses in this instance.
16. I have been referred to various appeal decisions, whereby the Inspectors came to different conclusions having regard to the particular facts and degree of the individual Class Q cases. While there are some similarities between the various proposals, the evidence provided does not allow me to fully compare such with the appeal proposal. Furthermore, such examples relate to different buildings, with different levels of works involved, and/or structural survey information provided.
17. Notwithstanding that the appeal decision examples at Orchard End Farm (ref APP/R3325/W/22/3308359) and Mill Orchards (ref. APP/J1860/W/23/3322722) are more recent appeal decisions than other examples provided and that, in such cases regard was given to the totality of the building operations and the load bearing elements involved. These are different buildings with different evidence considered. Having regard to the most recent guidance in the PPG on Class Q development and considering the appeal proposal based on its particular circumstances and the evidence before me, I find the proposed works would be reasonably necessary, as allowed by paragraph Q.1(j)(i) of the GPDO.
18. Therefore, the proposal would be permitted development under Class Q (a) and (c) of the GPDO.

Character and appearance

19. In view of my finding that the development would be permitted under Class Q, it is necessary to consider the conditions under Class Q2. While there is no dispute between the main parties in respect of most of the conditions included therein, the

Council has concern with regard to the proposed glazing and how this effects the design and external appearance of the building and the surrounding rural area.

20. The appeal building has only one existing opening at one end. In addition to replacing this existing opening with glazing, it is proposed to introduce a significant number of vertical openings along both of the side elevations of the building. While the proposed replacement large end opening would be sympathetic to the character of the existing building, the combination of the design and number of the openings to the side elevations would not be typical of that found on an agricultural building of this nature and form. Such would transform the appearance of the building from its current, simple form, harmful to its existing agrarian character.
21. While the openings proposed may ensure adequate natural light is provided to the proposed dwellinghouses, this should not be to the detriment of the design and character of the building. Even though the windows have been designed in a manner to seek to avoid a typically domestic pattern of fenestration, they are not of a design and appearance akin to that typically found on an agricultural building in a rural area.
22. The examples provided of a Class Q conversions, including at Perry Mill Farm, Inkberrow (ref 19/00469/GDPQ), Downrip Farm (W/22/01092/GDPQ) and Wood Farm (ref PU/24/1290) relate to buildings of more modern steel portal frame construction with vertically arranged fenestration. However, based on the evidence provided, these buildings are different to the appeal building and the design and arrangement of the proposed windows also differs to that proposed. Therefore, they are not directly comparable to the appeal scheme.
23. That there may be limited public views of the building does not overcome the harm that would be caused to the character and appearance of the existing building by the introduction of the proposed openings. One side of the building has open views across the field and beyond and, there would be glimpses of the building from some public vantage points, even at a distance. Furthermore, the proposed wall cladding, even if in a dark colour, would not reduce the number or change the design of the proposed windows. Therefore, this would not overcome the harm caused to the character and appearance of the building. As a result, the building would appear incongruous within its rural setting and harm the character of the surrounding area.
24. In view of the above, due to the design and number of proposed openings to the side elevations, the proposal would be harmful to the existing character and appearance of the building and the surrounding area. Therefore, the proposal would fail to meet condition Q2-(1)(f) of the GPDO. Insofar as they are relevant to design, the proposal would be contrary to section 12 of the National Planning Policy Framework.

Conclusion

25. For the above reasons, I conclude the appeal should be dismissed.

C Billings

INSPECTOR