



---

## Appeal Decision

Site visit made on 25 February 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 March 2025**

---

**Appeal Ref: APP/U2750/W/24/3354951**

**C.A Chapman & Sons, Saxton Grange, Towton, Tadcaster LS24 9PE**

- 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 James Chapman, on behalf of C.A Chapman & Sons, against the decision of North Yorkshire Council.
  - The application Ref is ZG2024/0531/ATD.
  - The development proposed is conversion of agricultural building to three dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. In the banner heading I have set out a truncated form of the description of development in the application form, omitting that which is unnecessary to accurately describe the scheme.

### Background and Main Issue

3. 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) (GPDO), planning permission is granted for (a) change of use of- (i) a building that is part of an established agricultural unit and any land within that building's curtilage to dwellinghouses (c) together with building operations reasonably necessary to convert the building to dwellinghouses, subject to limitations and conditions.
4. Paragraph Q1(j) states that development is not permitted by Class Q(c) 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 dwellinghouse, and partial demolition to the extent reasonably necessary to carry out such works.
5. The Council contend that the proposal would not benefit from the provisions of Class Q(c), as the building operations proposed would go beyond what could reasonably be considered a conversion and so would not comply with the limitations of paragraph Q1(j).

6. Therefore, the main issue in this case is:

- Whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the provisions and limitations of paragraphs Q(c) and Q1(j).

## Reasons

7. The appeal scheme relates to a collection of adjoining agricultural buildings. The proposal would convert 3 of the buildings into dwellings, referred to in the structural reports as Barn 1 (Unit A), Barn 4 (Unit B) and Barn 5 (Unit C). The 3 barns are partially open steel framed structures, with exterior walls composed of concrete blockwork with vertical timber cladding above. A concrete ground slab is present across all of Barn 1, however the floor of Barn 4 is compacted stone, while Barn 5 features a combination of both.
8. In addition to the building operations referred to in Paragraph Q1(j), The Planning Practice Guidance (PPG)<sup>1</sup> clarifies that for the building to function as a dwelling it may also be appropriate to undertake internal structural works. These may include works to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.
9. The PPG indicates however that only where the existing building is already suitable for conversion to residential use does it benefit from the Class Q permitted development rights. It is not the intention of the GPDO to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. The judgement in *Hibbitt v SSCLG* [2016] EWHC 2853<sup>2</sup> held that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure.
10. While the proposal does not include any extensions to the buildings, it requires various building operations, including partial demolition, to facilitate the change of use. Window and door additions have been shown on the proposed plans. The appellant maintains that existing cladding, brickwork and roof material would be retained and made good where appropriate. Nevertheless, a detailed schedule of all of the work proposed or required is not before me.
11. While the submitted structural reports for all 3 barns conclude that they are all capable of conversion to residential use from a structural perspective, they state that sensitive and careful repair is required. Visible finishes need maintenance and replacement to ensure an acceptable standard of weather proofing. Other likely works include new foundations for any walls considered to be defective and to new walls, reinstatement and renovation of areas of defective wall and roof cladding, and installation, replacement or repair of any areas of damaged ground concrete slab, level flooring and an extent of timber member replacement.
12. I saw on my site visit that there are large openings in the north elevation of Barn 1 and the south and west elevations of Barn 4. New external walls and associated

---

<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615 Revision date: 15 06 2018

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

foundation works will therefore be required to these barns, and to the north elevation of Barn 4, where the northern part of the existing barn is removed.

13. Additionally, the extent to which existing walls, foundations or floors are defective or damaged has not been clarified, nor is it clear how much of the existing wall and roof cladding and timber members require replacement. The proposed plans before me show horizontal cladding in place of much of the existing vertical cladding on all 3 barns, while a substantial proportion of the existing cladding and blockwork walls on the south elevations of Barn 1 and Barn 4 would be replaced with expansive areas of glazing. The evidence also indicates that there are well-weathered asbestos cement sheets at high level on Barn 5 that would be replaced.
14. In view of the above, it is not clear that the existing buildings are already suitable for conversion to residential use, and it has not been demonstrated that conversion in the form proposed can be achieved without extensive work that would amount to substantial re-building of the barns.
15. Examples of other decisions concerning Class Q conversions have been provided by the appellant in support of the appeal. The full details of each case are not before me. Nevertheless, in the Wheatfields case<sup>3</sup> the extent of the work described in the decision is materially different to the appeal scheme. The building in the Valley Side Farm case<sup>4</sup> is materially different in its construction and appearance. Only limited details of the Rakehill Road case<sup>5</sup> have been provided. None demonstrate that the appeal scheme would benefit from the provisions of Class Q and they do not lead me to a different conclusion on the main issue.
16. For the purposes of Class Q(c) and Q1(j), I therefore conclude that the extent of the building operations proposed would not be reasonably necessary to convert the buildings to dwellinghouses. The proposal would therefore not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.
17. Given my conclusion above, there is no need for me to go on to consider the prior approval matters, as it would not alter the outcome of the appeal.

## **Conclusion**

18. For the reasons given above I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR

---

<sup>3</sup> Appeal Ref APP/N4720/W/18/3214018

<sup>4</sup> Council Ref 24/00467/DPD

<sup>5</sup> Council Ref 23/00913/DPD