



Appeal Decision

Site visit made on 6 February 2025

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal Ref: APP/Y3940/W/24/3347518

Tynings Barn, Church Lane, Wingfield, Wiltshire BA14 9LW

- 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 Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- The appeal is made by Mount Bugle Development Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2024/03359.
- The development proposed is prior approval Class Q – change of use and building operations to an agricultural building to form a single dwelling.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Class Q(a) and Q(b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use and building operations to an agricultural building to form a single dwelling at Tynings Barn, Church Lane, Wingfield, Wiltshire, BA14 9LW in accordance with the application Ref PL/2024/03359 and the details submitted with it (including Site Location Plan (Drawing No. 4071-10 (Rev. B)), Proposed Floor plans, Elevations and section (Drawing No. 4071-02 (Rev. B))).

Preliminary Matters

2. The GPDO was amended on 21 May 2024¹. However, the amendments to Class Q of Part 3 of Schedule 2 of the GPDO are subject to transitional arrangements. These include that any application or appeal made before 21 May 2024 should be determined on the basis of the previously permitted development under Class Q. This appeal has therefore been determined on the basis of the GPDO as it was at 1 August 2020.
3. In line with paragraph W.(10)(b) of Part 3 of Schedule 2 of the GPDO, I have had regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matters of the prior approval.

Background and Main Issue

4. Under Article 3(1) and Class Q of Part 3 of Schedule 2 of the GPDO, planning permission is granted for the conversion of agricultural buildings to dwellinghouses, subject to limitations and conditions. The Council consider that the proposed works go beyond the scope of a conversion and are tantamount to a rebuild of the existing building, and that the scope of building operations are considered to fall beyond those reasonably necessary to convert the building into

¹ Via the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024.

residential use contrary to paragraph Q.1(i) of Class Q. The main issue is whether the proposed development would be permitted development under Class Q of Part 3 of Schedule 2 of the GPDO, having particular regard to the scope of the works proposed.

Reasons

5. The appeal site comprises Tynings Barn, a rectangular building which consists of a portal frame structure with timber cladding above horizontal timber boards with cement roof sheeting. Its south-west elevation is open-sided apart from a metal gate along its frontage. The south-east elevation is partially open.
6. It was held in *Hibbitt*² that the concept of "conversion" is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1, and that the concept of conversion has inherent limits which delineate it from a rebuild. The Planning Practice Guidance (PPG) similarly advises 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 use³.
7. Most agricultural barns by their nature have at least one large opening to their frontage, to allow for access by machinery or livestock. So as to not frustrate the purpose of the introduction of Class Q, this must be taken into account when considering the existing built form of the agricultural building when assessing the extent of the works required for its conversion under Class Q. In this case, the proposed development would involve the infilling of the south-west elevation, which is the largest open area within Tynings Barn. The open area is not any larger than would be expected on any barn of a similar scale to Tynings Barn. Additionally, the amount of infilling would be reduced by the fact that much of the frontage currently consists of metal gates, the majority of which are proposed to be fixed shut as cladding.
8. So, the new areas of timber cladding would only relate to the upper-portion of the frontage, and the amount of new windows and doors on that elevation would be modest in comparison with the frontage as a whole. Hence, the proposed amount of infilling for the south-west elevation would not be substantial, taking account of the agricultural nature of Tynings Barn.
9. The south-east elevation currently contains an open area above metal gates. This open area would be predominantly infilled with glazed doors with cladding above. Considering the presence of the existing metal gates, the infilling in this respect would not be substantial in comparison with the existing situation.
10. Much of the existing built form of the barn would be used for its conversion, including its steel frame, its external walls, and its roof coverings. Indeed, the appellant has calculated that the proposed scheme would retain approximately 95% of the main external walls. This figure has not been disputed by the Council. Although new openings would be required, much of the original fabric of the barn would be retained. The existing Yorkshire boarding would be made weather tight

² *Hibbitt v SSCLG* [2016] EWHC 2853

³ Paragraph 13-105-20180615

to insulate the building but this would not involve any re-building or extension of the existing structure on site.

11. It follows from the above that the proposed development would not amount to a rebuild / fresh build (as per *Hibbitt*). Aside from *Hibbitt*, it is clear from the above that the proposed extent of the installation of windows and doors would be reasonably necessary for the building to function as a dwelling, in the terms of paragraph Q.1(i)(i)(aa) of Class Q. Structural improvements are allowed for within Class Q, which would encompass any support structures required for the proposed first (mezzanine) floor and windows.
12. I therefore find that the proposed development would be permitted development under Class Q of Part 3 of Schedule 2 of the GPDO, having particular regard to the scope of the works proposed.

Other Matters

13. The level of glazing on the south-west and south-east elevations would be proportionate to the building when considered as a whole. The agricultural heritage of the barn would be retained whilst incorporating necessary elements for domestic use. As such, it would comply with paragraph 135 b) of the Framework which provides that, amongst other things, planning decisions should ensure that developments are visually attractive as a result of good architecture. In terms of the living conditions of the future occupiers of the dwelling, the acceptability of the height of the proposed first (mezzanine) floor would be a matter controlled by Building Regulations. The proposed development would therefore comply with paragraph Q.2(1)(f) of Class Q, which concerns the design or external appearance of the building. The Council have not raised concerns with respect to any other prior approval subject matters.

Conditions

14. No conditions have been suggested by the main parties. Conditions pertaining to solar generation, battery storage, and the recommendations put forward in the submitted Preliminary Ecological Assessment, would not be reasonably related to the subject matters of the prior approval, and accordingly cannot be imposed under the terms of paragraph W.(13) of Part 3 of Schedule 2 of the GPDO. The appellant will be aware of the Building Regulations matters raised by Dorset & Wiltshire Fire & Rescue Service.

Conclusion

15. As explained in detail above, the proposed development would constitute permitted development. Additionally, it would comply with all of the prior approval requirements relating to Class Q. For the reasons given above, and having considered all relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR