



Appeal Decision

Site visit made on 3 March 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/U2750/W/24/3357395

Holmefield, Scalby Road, Scalby, Scarborough, North Yorkshire, YO13 0NL

- 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 GPDO).
 - The appeal is made by Mr J Tamblin of Tamblin Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZF24/01595/P3W.
The development proposed is change of use of agricultural building (Barn A) to form 1 no. 4 bed dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, grants planning permission for development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. Such development is permitted subject to the limitations and restrictions set out within paragraph Q.1.(a) to (m) inclusive.
3. Although this permitted development right was amended on 21 May 2024, the submitted application form confirms that the appellant chose to use the permitted development right as it stood prior to 21 May 2024, under the transitional arrangements. I have therefore dealt with the appeal on this basis. However, the supplementary information form covering the pre-21 May 2024 eligibility criteria and information requirements has not been submitted with the appeal.

Main Issue

4. The main issue in this case is whether the proposal is permitted development having regard to the limitations and restrictions set out in Class Q of the GPDO.

Reasons

5. To be eligible for the pre-21 May 2024 permitted development right, under paragraph Q.1.(a), the site must have been used solely for an agricultural use as part of an established agricultural unit:

- (i) on 20 March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20 March 2013, for a period of at least 10 years before the date development under Class Q begins.
6. The appeal building has been subject to a previous appeal decision¹, dated 6 July 2023. This decision confirms that prior to the Inspector's site visit on 29 March 2023, photographic evidence was submitted showing that the appeal building had suffered significant storm damage. Although subsequent works had been undertaken to repair the damaged building, less than 50% of the original building remained in place. The Inspector concluded that the works required to convert the building to a dwelling amounted to a rebuilding operation beyond the scope of the permitted development right. Consequently, the appeal was dismissed.
 7. Unconditional planning permission has since been granted retrospectively for the partial rebuilding and repair of the agricultural building, following which a fresh application seeking approval under Class Q was made. The Council refused this on the grounds that the rebuilding works that had been necessary to enable the building to be converted to a dwelling had already been undertaken, and also that the works undertaken had amounted to rebuilding works beyond the scope of Class Q.
 8. I agree with the appellant that the Council misunderstood the application, in that the rebuilding works already undertaken are existing lawful development and do not form part of the proposed works now required to convert the building to a dwelling. However, for the appeal to be successful I must be satisfied that all the relevant criteria set out in Class Q have been met. The appellant states *"In short, Barn A (in its current physical condition) is authorised development. The assessment of whether Class Q should be permitted must be based on the existing authorised development which is the subject of this Class Q Appeal."* Taking this approach, it is clear from the evidence before me that Barn A (the appeal building), has only existed in its current physical condition since it was substantially repaired and rebuilt in early 2023, and this development was only authorised in March 2024.
 9. Having regard to the undisputed extent of the collapse of the original building, and the fact that planning permission was required for its reconstruction, it is evident that the appeal building is tantamount to a new building. The building that exists on the appeal site now, is not the building that existed on the site on 20 March 2013, and is not a building that was in agricultural use on 20 March 2013. The building that exists now, or at least over 50% of it, was constructed after 20 March 2013, and as such could not have been used solely for agricultural use as part of an established agricultural unit for a period of at least 10 years before the date any development granted could commence. Nor is there any evidence before me to suggest that the building that currently exists has been used for any agricultural purposes since being very recently repaired and rebuilt, albeit I accept that agriculture is its approved planning use.
 10. I am advised that the site forms part of a registered smallholding, which the appellant purchased in 2021. I am also advised that on 20 March 2013 (to present)

¹ APP/H2733/W/22/3309247

the site was solely used for agricultural use as part of an established unit. At the time of my visit, the building was being used to store domestic items, albeit this may have been due to the house being renovated at the time. I saw no evidence of any ongoing agricultural use or activity taking place within the site or having taken place in the appeal building since it was rebuilt. I cannot therefore be certain that the last use of the building was solely for agriculture.

11. I therefore conclude that as the appeal building did not exist in its current form on 20 March 2013 and has not existed or been used solely for an agricultural use for a period of at least 10 years, I am not satisfied that the proposal meets the requirements of Class Q.1.(a).
12. Given my conclusions above in relation to the age and agricultural use of the building, there is no need for me to consider compliance with any other part of paragraph Q.1 or any prior approval matters under Q.2 as it would not alter the outcome of the appeal.

Conclusion

13. For the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR