



Appeal Decision

Site visit made on 11 March 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: APP/C1625/W/24/3357024

Breadstone Barn, Breadstone Lane, Berkeley, Gloucestershire GL13 9HE

- 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) (hereafter referred to as the GPDO).
 - The appeal is made by Mr Edward Davies against the decision of Stroud District Council.
 - The application Ref is S.24/1751/P3Q.
 - The development proposed is described as “prior approval for a proposed change of use of an agricultural building to a dwellinghouse (Use Class C3) (resubmission of prior approval application S.23/1727/P3Q, allowed on appeal 19th July 2024)”.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr Edward Davies against Stroud District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Class Q of Part 3 of Schedule 2 of the GPDO (hereafter referred to simply as Class Q) has 3 parts. Class Q(a) defines as permitted development the change of use of a building that is part of an established agricultural holding and any land within its curtilage to a use falling within Class C3 (dwellinghouses). Also of relevance to this appeal is Class Q(c) that allows the change of use referred to in part Q(a) as well as building operations reasonably necessary to convert the building to a use falling within Class C3 or to extend the building.
4. Under paragraph Q2(1) of Class Q there is a requirement for a developer to apply to the local planning authority for a determination on whether prior approval is required in respect of various specified matters. This appeal follows on from such an application.
5. The description of development provided on the application form only refers to the change of use of the building. However, the application form states the proposal involves associated building works or other operations. To a degree, such works have been described within the covering letter to the planning application as well as in a barn conversion technical statement provided by the appellant (hereafter referred to as the TS). As such, I have assessed the scheme on the basis it includes not just the change of use of the building and adjoining land but also the carrying out of associated building operations. This is fair as the Council has assessed the application on the same basis.

Main Issue

6. The main issue is whether the proposal would constitute permitted development as defined under Class Q.

Reasons

Whether the proposal would constitute permitted development.

7. The Council is concerned the proposed works to the building would go beyond that which could be deemed as reasonably necessary to convert the building and the scheme would represent the creation of a new building rather than a conversion of the existing barn. This is a valid issue to consider as the Planning Practice Guidance (PPG) says the intention of Class Q is not to allow rebuilding works that would go beyond that reasonably necessary for the conversion of the agricultural building to residential use¹. The PPG refers to the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)* (Hibbitt). This establishes that Class Q requires a proposal to represent a conversion rather than a rebuild, fresh build or new build and it provides useful commentary on the issue.
8. The building subject of this appeal is a steel framed Dutch barn with corrugated sheeting on its curved roof and on its end wall facing the road. On either side of the barn are lean-to additions that would be demolished. Whilst the roof and parts of the walls of the barn are cladded, the TS states the roof and walls will be replaced to ensure watertightness. Instead, new external masonry walls would be provided on all sides. The new walls would extend from the ground to the eaves of the building. The TS also refers to the renovation of the roof and any damaged or deteriorated steel members.
9. The TS states the steel frame has surface corrosion but section loss is minimal and there is no evidence of failing foundations. However, only the skeletal form of the frame of the current building would remain as part of the new dwelling. Almost all of the external walls and the roof would be new-build elements. Given the extent of the building works, the proposal would be a new build rather than a conversion of the barn. Sub-paragraph Q.1(j) of Class Q allows the installation of windows, doors, roofs or exterior walls as well as partial demolition of the building. However, in light of Hibbitt, it must be first established that a proposal would represent a conversion of a building before considering the conditions under paragraph Q.1. The appeal scheme would fail at this first hurdle and so there is no need to consider the paragraph Q.1 exceptions.
10. The TS includes photographs of other Dutch barns similar to that on the appeal site and which have been changed into dwellings. However, no information is before me on whether these other schemes have been allowed under permitted development rights or on the extent of works carried out to the buildings to allow their re-use as residences. Therefore, they fail to affect my views on this appeal.
11. Under appeal decision reference number APP/C1625/W/23/3334405 (the previous appeal) an Inspector found building works associated with a change of use of Breadstone Barn would be reasonably necessary for the building to function as a dwelling. However, the Inspector's comments on this matter simply respond to

¹ Planning Practice Guidance, When is permission required section, Paragraph: 105 Reference ID: 13-105-20180615 revision date 15 06 2018

concerns on the load bearing capability of the existing structure and the veracity of the structural information provided. The Council does not raise such concerns with the current appeal but instead it raises the different objection that the scheme would not constitute a conversion. Despite the appellant's claims to the contrary, there is no part of the previous appeal decision that demonstrates the Inspector considered this specific issue. Therefore, my views on this matter are not inconsistent with any of the previous appeal Inspector's comments.

12. The appellant contends the approved scheme would be implemented if this appeal were to be dismissed. However, the fallback position provided by the approved scheme has no bearing on whether the current proposal constitutes permitted development.
13. For the reasons provided, I find the proposed works would represent new build rather than operations reasonably necessary to allow conversion of the barn. Therefore, they would not fall within the works allowed under Class Q(c) and so I conclude the proposal would not represent permitted development under Class Q.

Other matters.

14. The Council also contends the proposal would not constitute permitted development as it would conflict with sub-paragraph Q1(c) of Class Q. This stipulates that the floorspace of any dwellinghouse development under Class Q should not exceed 150 square metres. Given my conclusion above, I need not arrive at a firm view on this matter as it would not affect my decision. However, it is evident the Council's calculations on the floorspace of the dwellinghouse is based upon measurements that include the width of the external walls. "Floor space" is defined in article 2 of the GPDO as the total floor space in a building. Therefore, I tend to favour the appellant's assertion that it is the gross internal area of the proposed dwelling measured to the internal face of each perimeter wall on each floor that should be used to assess compliance with sub-paragraph Q1(c). The appellant's annotated floor plans show the dwelling would have an internal floor area of 149.79 square metres and so it would accord with the Q1(c) stipulation.
15. The Council suggests prior approval as required under Q2 of Class Q should be refused due concerns that the dwelling could not be safely accessed by pedestrians or cyclists. Again, in light of my conclusion on the main issue there is no need for me to arrive at a firm view on this matter as it would not affect my decision on the appeal. However, I note that no such concerns were raised in respect of the development allowed under the aforementioned previous appeal.

Conclusion

16. For the reasons given above, I consider the proposal would not constitute permitted development as defined by Class Q of the GPDO. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR