



Appeal Decision

Site visit made on 25 February 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/Y3615/W/24/3355147

Park Farm, Elmgrove Lane, Normandy GU3 2BN

- 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 Alan Bath against the decision of Guildford Borough Council.
 - The application Ref is 24/W/00082.
 - The development proposed was originally described as: Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural building to create 1 number 1 bedroom dwelling (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 (dwelling houses) of that Schedule.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Alan Bath against Guildford Borough Council. This application is the subject of a separate decision.

Preliminary and Procedural Matters

3. There is some confusion concerning the description of development. The application form does not state the description, but rather refers to the accompanying Planning Statement, which describes the proposal as set out in my banner heading above. However, the submitted plans and accompanying information clearly indicate that the prior approval application was made for two dwelling houses each with three bedrooms.
4. The appellant's Appeal Statement contains a different description which follows a similar wording to that used in the Planning Statement, but reflects the dwellings proposed: *Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural building to create 2 number 3 bedroom dwelling (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 (dwelling houses) of that Schedule.*
5. Section E of the appeal form indicates the description of development has not changed but includes a different description, but there is no evidence before me to indicate that a change was agreed. This description is not that used in the Planning Statement but is the same as that on the Council's decision notice: *Application to determine if prior approval is required for a proposed: Change of*

Use of Agricultural Buildings to Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class Q for the conversion of two agricultural buildings to create two, three bedroom dwellings. This includes some repeated wording ('for the conversion') and reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 ('The Order').

6. Despite the confusion regarding the description, I am satisfied that the application for prior approval was made for the change of use of an agricultural building to two dwellings. The Council considered the proposal on this basis and so shall I.
7. On 21 May 2024, amendments to the Order for Class Q came into force. The transitional arrangements allow applications for prior approval under Class Q to be made under the previous provisions of the Order up until the end of 20 May 2025. The Council considered the proposal against both the previous and new provisions of the Order. However, the application form and accompanying information clearly indicate that the appellant sought prior approval under the previous provisions, and the appellant wishes the appeal to be dealt with on this basis. The Council accepts this position and advises that it sought to consider the application against the Order as it applied before and after 21 May 2024, such that if it were to succeed on either basis, prior approval would have been granted.
8. It is therefore not necessary for me to consider the proposal against the new provisions for Class Q, and only the first reason for refusal is relevant to my consideration of the appeal as this concerns the previous provisions. From this point forward in my decision, any reference to the Order will therefore refer to the provisions for Class Q prior to 21 May 2024, unless otherwise stated.

Background and Main Issue

9. Permitted development under Class Q of the Order consists of (a) the change of use of a building and any land within its curtilage from agricultural use to a use falling within use class C3 (dwellinghouses), and (b) building operations reasonably necessary to convert the building. Paragraph Q.1 (i) of the Order sets out that Development is not permitted by Class Q (b) if it 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 building operations allowed by paragraph Q.1(i)(i). The Council's reason for refusal is confined to the extent of building operations.
10. Therefore, the main issue is:
 - whether the proposal would meet the definition of permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the Order, with particular regard to paragraph Q.1 (i) as set out in the Order before 20 May 2024.

Reasons

11. The Planning Practice Guidance (PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling.

¹ Paragraph: 105 Reference ID: 13-105-20180615

Further, it sets out that the right 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, with reference to the building operations within the Order. 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. Internal works are not generally development. For the 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 overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.

12. The Order and the PPG do not define what might constitute 'reasonably necessary'. The PPG and the main parties refer to the case of *Hibbitt*², which established that a building must be capable of conversion without complete or substantial re-building, or in effect, the creation of a new building. Further, that this is a matter of planning judgement.
13. The appeal scheme comprises two barns which adjoin each other. The application was accompanied by a Structural Engineering Inspection Report (the report) dated June 2024 based on a non-invasive inspection. The report identifies that barn 1 is a steel framed structure, originally clad on all four sides, with an opening at one gable end, while barn 2 is a concrete framed structure. The report concludes that it would be feasible to convert both barns into dwelling houses without wholesale reconstruction of the primary structural frames and that the walls, roof and ground floor slabs of both buildings will require significant upgrading to achieve the necessary thermal and watertight envelope to meet modern Building Regulations.
14. The report sets out that the primary surface elements and secondary structural elements of barn 1 show signs of rusting, as expected with age, with no signs of delamination or to suggest that their load bearing capability has been significantly compromised through age or exposure. Some of the pre-cast concrete sheeting rails and vertical posts forming the doorways to barn 2 are identified as being of poor condition with significant spalling and exposed reinforcement, such that some remediation or replacement would be required. I note that the extent of repair or replacement works to the frames of the barns is not quantified. Although the report claims that there is no visual evidence of settlement or deformation, no definitive comment is made on the adequacy of the foundations in the absence of more intrusive investigations or detailed survey.
15. The application is supported by a drawing to demonstrate the conversion capability of the existing roof structure to a residential standard. The drawing shows the retention of the frames with additional ceiling joists suspended on wall plate in barn 1 and between the purlins in barn 2, together with treated battens to support a waterproof membrane and the replacement of defective roofing panels. It is not clear whether this drawing has been prepared by a structural engineer, nor has it been robustly demonstrated that the foundations are sufficiently load bearing to support the further roof works required to meet any residential standard.

² *Hibbitt v SSCLG & Rushcliffe BC* [2016] EWHC 2853 (Admin)

16. The report indicates that the floor slabs serving the barns may each have once been a mass concrete ground bearing slab, but they appear to have broken up over time. Further, there is a perimeter block wall of about 1.2m height to barn 1 but this is dilapidated in places. I note that there is also a perimeter block wall serving barn 2 of about the same height as that in barn 1, but this is not specifically mentioned in the report, and I saw at my visit that it appeared dilapidated, albeit to a lesser degree than that of barn 1. The roof and wall cladding is corrugated cement panels and is dilapidated. The photographs within the report and my own observations indicate a significant loss of cladding materials to the external walls and roof, such that barn 1 is almost completely open at each gable end, with less than half of its external flank having any cladding in place. Many existing panels to the buildings are broken, damaged, and/or poorly attached, with rust staining. The appellant's Planning Statement indicates that much of the cladding is corrugated asbestos sheeting, and it is therefore not clear whether the cladding would require wholesale removal.
17. There is no detailed list before me to robustly demonstrate the extent of the external works required to facilitate the conversion. While the proposal would appear to retain the supporting frames of the barn buildings and some of the existing external cladding and roof materials, there would be some degree of repair and/or replacement of parts of the frame, the substantial repair and/or replacement of externally facing wall and roof cladding materials, the partial reconstruction or full construction of external perimeter walls, and the installation of all windows and doors. These works would be extensive. Further significant upgrading works would be required to the walls, roof and ground floor slabs.
18. The appellant contends that the external works required would be repair or maintenance works within the definition of development under section 55 of the Town and Country Planning Act 1990; and/or would be building operations as specified within the Order. Individually, the installation or replacement of the various elements of the building may be permissible. However, in my judgement, the totality of the works required would be significantly beyond the extent reasonably necessary for conversion, such that they would be a re-build. The existing barn buildings are not already suitable for conversion in the terms expressed by the PPG, and therefore they do not benefit from the permitted development right.
19. In reaching this view, I have considered the numerous appeal decisions referred to within the appellant's submissions and the Planning Statement submitted with the application. The full and detailed circumstances of each case are not before me. Nonetheless, the decisions reflect the approach taken to the consideration of proposals under Class Q, which take into account the evidence of proposed building operations and the Hibbitt case. I have taken the same approach, having regard to the evidence before me and my own observations.
20. For the reasons above, I conclude that the proposal fails to meet the definition of permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the Order, with particular regard to paragraph Q.1 (i) as set out in the Order before 20 May 2024.

Other Matters

21. The Council suggests that there is an inconsistency between the proposed floor plans and the proposed north elevation drawing, such that the north elevation appears to show a solid wall with two ground floor windows where there should be garaging. The appellant advises that the north elevation is open and shows the shower room windows behind and that this is clear on the perspective drawings.
22. My own observations indicate that the ground floor plan shows the garaging areas along the north elevation with their outer edge shown in the drawing convention to illustrate a door/window opening. This drawing also shows an open terrace along the opposite elevation and the layout of the intervening space which includes walls and openings serving shower rooms and the internal wall of the open terrace. The illustrative images and perspective elevation drawing show the open terraces and garaging areas without any doors or windows to the outside edge. For these reasons, the floor plan does appear to be inconsistent insofar as the outer edge of the garaging is shown to include the drawing convention for a door or window. In any event, this matter does not alter my overall conclusion on the main issue.

Conclusion

23. For the reasons given above the appeal should be dismissed.

J Moore

INSPECTOR