



Appeal Decision

Site visit made on 18 March 2025

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/U2750/W/24/3357405

Barn 8, Scalm Park, Wistow Common, Selby YO8 3RD

- 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 and Mrs S Lamb (Scalm Park Leisure) against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/1062/ATD.
 - The development proposed is prior notification for the change of use of agricultural building to 1 No dwelling (Use Class C3) and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this accurately represents the proposal.
3. On the application form, it is confirmed that the application will use the permitted development right as it stood prior to 21 May 2024. I have proceeded to determine this appeal on that basis.

Main Issue

4. The main issue is whether the proposal would be permitted development under the provisions of Class Q of the GPDO, more specifically would the building operations be considered reasonably necessary to convert the building to a use falling within Class C3 of the Use Classes Order (UCO).

Reasons

5. The description of the proposal refers to associated operational development as well as a change of use, and the application form indicates that the proposal includes building works or other operations. Class Q(b) of the GPDO includes building operations which are reasonably necessary to convert the building to a use falling within Class C3 of the UCO. The GPDO at paragraph Q.1(i) includes a range of building operations, but also states that these should be to the extent reasonably necessary for the building to function as a dwellinghouse.
6. As set out in the Planning Practice Guidance¹ (the Guidance), it is not the intention of the permitted development right to allow rebuilding work which would go beyond

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

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. The difference between a conversion and a rebuild has also been discussed in the *Hibbitt*² judgment.

7. A Structural Assessment submitted by the appellant identifies a significant extent of construction work including full height load-bearing perimeter walls and load-bearing internal walls. Furthermore, the roof is not salvageable given the additional material weights and would need to be replaced. Although piers would be retained these would have no load-bearing function and would be a minor part of the resultant building. As a matter of fact and degree, I consider that the nature and extent of the proposed works would represent a rebuild rather than a conversion.
8. The appellant refers to varying interpretations of the works permitted under Class Q, including simply identifying the footprint of the building or a development including the retention of a single wall. But it has not been demonstrated that this reflects the circumstances of the appeal proposal, as well as the Guidance or the conclusions of *Hibbitt*.
9. Reference is also made to works that could be carried out as part of the maintenance of the barn. However, this does not reflect the circumstances of the appeal proposal which involves extensive rebuilding works which go beyond the scope of general maintenance.
10. The appellant refers to the evolution of the former farmyard to a leisure facility and the Government's housing targets, but this does not lead me to a different conclusion in respect of the nature of the proposed works to the barn and the provisions of Class Q.
11. I acknowledge that substantial works can fall within the scope of Class Q. But nevertheless they should comprise of a conversion of the building rather than a rebuild, and I have had regard to *Hibbitt* and the Guidance on this matter. The nature and extent of the proposed building operations involve rebuilding work which would go beyond what is reasonably necessary to convert the building to a residential use and would in effect represent a rebuild. As a matter of fact and degree the building operations exceed what could reasonably be described as a conversion.
12. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and that the appeal should be dismissed.

David Cross

INSPECTOR

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