



Appeal Decision

Site visit made on 3 April 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/C1570/W/24/3353335

Dutch Barn, Redgates Lane, Swards End

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval 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 Kathryn Pile against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1843/PAQ3.
 - The development proposed is the Prior Notification of change of use of agricultural building to 5 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development above, which was also used in the appellant's appeal form.
3. Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to a use falling within Class C3 (dwellinghouses). Class Q(c) allows building operations reasonably necessary to convert the building to a dwellinghouse, subject to various clauses and conditions.
4. Paragraph Q.1(j) of the GPDO sets out that development is not permitted by Class Q if it would consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse. Similarly, development is not permitted if it would consist of building operations other than partial demolition to the extent reasonably necessary to carry out building operations.
5. Amended plans have been submitted with the appeal. These relate to changes to external materials (including a blockwork base) and the removal of roof level amenity space. The appeal process should not be used to evolve a scheme. In the interest of fairness, I am considering the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.

Main Issue

6. The main issue is whether the proposal would be permitted development under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO.

Reasons

7. The existing building comprises, principally, of an open-sided steel framed structure. The skeletal structure is made up of four bays (a three-span Dutch barn with a lean-to at the western end). It is argued that the open-sided elements may once have been fully enclosed by cladding, but this has been lost over time by weather damage. Some signs of concrete block walling exist to the north elevation, although the extent of this is limited and broken up. Three of the four bays (including lean-to) contain corrugated roofing sheets. A concrete base exists under the Dutch barn element, with a bare earth floor under the western lean-to element.
8. The Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q, referenced above. It clarifies that the permitted development right conveyed by Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations that are reasonably necessary to convert the building, but 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. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Accordingly, this is a matter of planning judgement for the decision maker. I have had regard to relevant caselaw, including the Hibbitt¹ case in making my decision.
9. A Structural Appraisal Report was submitted in support of the proposal. The report considered the suitability of the structure to support the proposed conversion to residential, which it found to be in suitable condition. However, this assessment was based on a ground level visual assessment only, with no intrusive investigations carried out. Moreover, it acknowledges that certain elements of the structure were only partially visible during the survey and makes reference to the base of several of the columns having signs of corrosion. It also sets out that some roofing and roof trusses were missing at the time of the survey. There are no structural calculations, load bearing or foundation details before me.
10. Even were I to find the existing building to be structurally sound, this alone does not demonstrate whether the required building operations (and any partial demolition) are reasonably necessary to convert the building to residential use. I observed on site, notwithstanding the structural assessment, that parts of the skeletal frame were missing, particularly to the eastern end. In addition, a rooftop/first floor amenity space is proposed. No details, such as a schedule of required works to the existing skeletal structure, or any additional required support for a rooftop amenity space, are before me. The submitted drawings also indicate the construction of external walls where these do not currently exist. Overall, the proposal would entail a substantial amount of physical intervention.
11. Taking into account the submitted structural assessment report (and its limitations), the totality of the proposed works and my observations on site, I am of the view that the proposal would involve more building operations than reasonably necessary for the building to function as dwellinghouses.

¹ Hibbitt v SSCLG [2016] EWHC 2853

12. Overall, I am unable to conclude that the development would consist only of building operations reasonably necessary for the building to function as dwellinghouses. The scheme would fail to comply with paragraphs Q(c) and Q.1(j) of the GPDO. As such, the proposal would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

13. The appellant has set out that they are able to exercise their permitted development rights to undertake repairs to the existing building, which would include re-enclosing the barns as they may have been historically. This could possibly involve the re-installation of cladding to the perimeter of the building and re-roofing. The appellant alleges this to be their fallback position and that it would have worse effects than the appeal proposal.
14. Given that the repairs would not wholly achieve the desired outcome of the appellant, I cannot be certain that there is any greater than a theoretical possibility that they would take place. Moreover, I have seen no substantive evidence, such as a successful certificate of lawful development, to convince me that those works could reasonably be implemented under permitted development rights. In any case, even if they could, this does not alter my findings that the development as proposed would not meet the requirements of Class Q of the GPDO. In this respect, I afford this consideration only limited weight in favour of allowing the appeal. This has not led me to an alternative conclusion on the main issue.
15. My attention is also drawn to a previous planning decision elsewhere in Uttlesford (Barns at Little Smiths Green Farm). I acknowledge that the barn in that case lacked substantial cladding. However, other than the officer report and submitted plans, I do not have full details of that case before me, including for example a schedule of works or structural survey. In any case, I have considered this appeal on its own, individual circumstances. This consideration has not led me to an alternative conclusion on the main issue.

Conclusion

16. For the reasons given above, I find that the proposed development would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal should be dismissed.

A Price

INSPECTOR