



Appeal Decision

Site visit made on 6 May 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/J1860/W/25/3360842

Elmwood Laugherne Farm, B4204 Martley, Martley, Worcestershire WR6 6QB

- 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 Mrs KT Ganderton against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01587/GPDQ.
 - The development proposed is change of use of an agricultural building into 2 dwellinghouses.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building into 2 dwellinghouses at Elmwood Laugherne Farm, B4204 Martley, Martley, Worcestershire WR6 6QB in accordance with the application M/24/01587/GPDQ and the details submitted with it including the following plans: PL001A Site Location Plan; PL002A Existing Site Plan; PL003A Proposed Site Plan; PL004A Existing Floor Plan; PL005A Existing Elevations; PL006A Proposed Floor Plan; PL007A Proposed Elevations; PL008 Proposed Demolitions and PL009 Typical Section, and subject to the following conditions:
 - 1) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
 - 2) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no.PL003A Proposed Site Plan, and the parking area is drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Thereafter those spaces shall be retained for the parking of vehicles only.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I

have proceeded to determine the appeal in accordance with the GPDO that applied at the time the application was made, which is the same version used by the Council in its determination of the application. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

3. In determining the appeal I have used the description of development in the Council's Decision Notice because it more concisely and accurately describes the development proposed when compared to the description given in the Application Form. However, I have removed superfluous wording which does not describe the acts of development proposed.

Background and Main Issue

4. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a 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) of Schedule 1 to the Use Classes Order. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
5. The main issue in this appeal is whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q(c) of the GPDO having particular regard to whether the building operations proposed would be reasonably necessary to convert the buildings to dwellinghouses.

Reasons

6. The appeal relates to an agricultural building which forms part of Laugherne Farm. The building is located within a yard area and accessed from a private road off the B4202. The site lies in open countryside and is largely surrounded by agricultural fields.
7. The appeal building is a single storey concrete framed structure with a cement cladded roof. Its walls are made of blockwork except for the south east part of the building where corrugated iron cladding forms the walls and it is largely open on the south east elevation. During my site visit I observed that the blockwork of the building appeared to be in good condition, but the iron cladding showed signs of surface corrosion. The floor has a concrete slab. There are existing lean-to mono pitch roof extensions on the north and south elevations of the building which are largely open sided.
8. The appellant has submitted a Visual Structural Inspection Report (VSIR)¹. The VSIR indicates that the concrete purlins, rafters and columns are in good structural condition and suitable for re-use in the proposed conversion. The VSIR confirms that the masonry wall panels are in acceptable structural condition and the new openings proposed would not affect the primary structure. Furthermore, the VSIR advises that the existing floor would be able to take the load of the new internal stud partitions which will not impose greater loads than those which the slab has already been subjected to.
9. The primary structure of the building including the purlins, concrete frame, floor slabs and blockwork walling would be retained and re-used in the conversion. The

¹ Structural Inspection of Concrete Portal Framed Barn at Laugherne Farm, Martley prepared by Shire Consulting, September 2024.

proposed building works would involve replacing all of the existing iron sheet cladding with new outer wall cladding. The existing asbestos cement roof cladding would be replaced with a new insulated metal cladded roof. The floor would be overlain with a damp proof membrane, insulation and screed. New internal stud partitions would be built off the existing floor slab. New window and door openings would be added, supported by the existing blockwork. The existing lean-to extensions to the building would be demolished.

10. While the VSIR notes that the north east elevation of the building is obscured from view by the existing extension, it nonetheless identifies that it comprises single leaf blockwork walling. I was able to see the blockwork wall on the north east elevation of the building during my site visit.
11. The south east elevation would require new walls with insulated external cladding to form the enclosure. The Council contends that this would require a substantial amount of new building work. However, Planning Practice Guidance (PPG) indicates that works permitted under Class Q may include '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 dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.' The installation of new walls to the south east part of the building to form a living room for one of the proposed dwellings would, in my view, be reasonably necessary to convert the building.
12. The existing window openings on the north east elevation of the building would be modestly extended downward while maintaining their existing width. New window and door openings would be introduced to the building but these would be to the extent reasonably necessary for it to function as dwellinghouses. The appellant confirms that the new internal wall proposed between the two proposed dwellings would not be structural or weight bearing.
13. PPG advises that partial demolition to the extent reasonably necessary to carry out the building operations may be permitted. The proposed demolition is confined to the existing lean-to extensions. The VSIR indicates that the existing lean-to extensions are of poor quality construction and are not suitable for conversion. Based on my own site observations, I agree with this assessment. Taking these factors into account, the proposed demolition of the existing lean-to extensions would be reasonably necessary to carry out the proposed building operations.
14. PPG states that '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.' Based on the evidence before me, I am satisfied that the primary structure of the appeal building is structurally sound and would form an integral part of the new dwellings. The proposed building operations would not require modification of the existing primary structural elements. I find that the proposed works, including the demolition of the existing extensions, are reasonably necessary to convert the building to dwellinghouses, thereby complying with the GPDO and PPG.
15. Given my findings above in respect of the new building work required to facilitate the residential use of the building, as a matter of fact and degree, I find that the

circumstances in the Hibbitt² case are not directly comparable to the appeal proposal.

16. To conclude on this main issue, the building is already suitable for conversion to residential use and the proposed building operations would be reasonably necessary to convert the building to dwellinghouses. As such, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q(c) of the GPDO.

Other Matters

17. Paragraph Q.2 (1) of the GPDO requires that various other matters are considered in the determination as to whether prior approval is required. The site has access to the highway and on-site parking is proposed. The local highway authority did not raise any objection to the proposal. I therefore have no basis to question that the proposal would have any adverse transport and highway impacts.
18. The building is sited away from other buildings and the road, and the evidence does not suggest that the proposal would cause, or be impacted, by noise.
19. Given the agricultural nature of the site and the building's history including a workshop, the Council's Regulatory Services recommended a planning condition requiring the reporting and investigation of unexpected contamination in the event that contamination is found when carrying out the development. Subject to the imposition of such a condition, I am satisfied that the proposal would not cause contamination risks on the site.
20. The site is in Flood Zone 1 and in an area at low risk of surface water flooding. I have seen no evidence of unacceptable flooding risks on the site.
21. PPG gives examples of what is meant by impractical or undesirable locations for the siting of buildings. This includes for example, an agricultural building on the top of a hill with no road access, power source or other services or where the building is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. The appeal building can be accessed immediately from the B4202 via a private road. The site is not adjacent to intensive farming buildings or other uses and buildings that could harm the living conditions of future occupiers of the proposed dwellings. As a consequence, its location does not make it impractical or undesirable for the building to change to dwellinghouses.
22. The existing building has a plain, functional and utilitarian design, typical of structures on farms and in rural areas. The proposed use of agricultural style cladding would maintain the building's agricultural character. The addition of new doors and windows would be reasonably necessary for the building to function as dwellinghouses. As such, the design and external appearance of the proposal would be acceptable.
23. Adequate natural light would be afforded to all the habitable rooms of the dwellinghouses due to the proposed window and door openings.
24. Given the above, the proposal would comply with paragraph Q.2 (1) of the GPDO.

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

Conditions

25. Any prior approval and planning permission granted for the development under Article 3(1) and schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. A condition relating to the commencement of development is therefore not necessary.
26. Paragraph W. (13) provides for additional conditions reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of precision having regard to the tests in the National Planning Policy Framework and PPG.
27. A condition requiring the reporting and investigation of unexpected contamination in the event that contamination is found when carrying out the development is necessary to ensure that any risk from land contamination to the future occupiers and users of the site and neighbouring land are minimised.
28. Conditions requiring the provision of the proposed car parking is reasonable and necessary in the interests of highway safety.
29. The Council has suggested a condition requiring the proposal to be carried out in accordance with the recommendations of the Preliminary Ecological Assessment report carried out by Arbor Vitae dated 9 March 2023 (the PEA). However, the PEA found no evidence of suitable or potential roosting features for bats. It also found that the proposal would unlikely have any impact upon breeding birds. Furthermore, ecology is not a prescribed prior approval matter under Q.2(1). Hence, such a condition would not be reasonable.

Conclusion

30. For the reasons given above the appeal should be allowed and prior approval is granted.

U P Han

INSPECTOR