



Appeal Decision

Site visit made on 25 March 2025

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/A1720/W/24/3352577

Richmond, Hook Lane, Fareham, Hampshire PO14 4LP

- 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 Martin and Julie Fuge (Bluecroft Ltd) against the decision of Fareham Borough Council.
 - The application Ref is P/23/1662/PC.
 - The development proposed is creation of two dwellings in the Barn Building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with two other appeals¹ on this site. Those appeals are the subject of separate decisions.
3. Within the banner heading above, I have adapted the description of development as written in the application form, rather than the decision notice description. I have replaced the word “create” with “creation”. This description otherwise accurately describes the proposal, and I have determined the appeal accordingly.
4. Subsequent to the local planning authority (LPA) refusing Prior Approval, the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 21 May 2024. However, its transitional arrangements are such that for the purposes of Class Q, I must still assess the appeal proposal against the Order that was in force at the time that the application for prior approval was made, which was the 01 August 2020 version. All references in this decision to “the Order” therefore relate to the 01 August 2020 version.
5. The appeal submission includes an updated structural condition report² (SCR), along with a proposed typical section drawing. Updated proposed elevations annotating the extent of existing external elevations to be retained were also provided by the appellant as part of their final comments. The above was not before the LPA when it determined the application. However, this information has not led to any fundamental change to the proposal that was determined by the LPA, who has also had the opportunity to comment on the details during the appeal. Accordingly, this information is accepted, and I have had regard to it in my determination.

¹ APP/A1720/W/24/3352576; APP/A1720/W/24/3352578

² Cowan Consultancy, Ref: DJB/456214/djb, Issue 04 dated 19 September 2024

Main Issues

6. The LPA may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out under Class Q. This essentially forms the crux of the reason for refusal on the decision notice.
7. In light of this, and having regard to all of the submitted evidence, the main issue is whether, in the context of Schedule 2, Part 3, Class Q of the Order, the scope of works proposed would consist of building operations that are reasonably necessary for the building to function as two dwellinghouses.

Reasons

8. The appeal site comprises a barn building, forming a wider group of buildings within a former horticultural nursery. I understand that this use operated until about 2020 and the buildings have remained unused since then.
9. The permitted development right under Schedule 2, Part 3, Class Q(a) and (b) of the Order allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to enable the conversion. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
10. The Planning Practice Guidance (PPG)³ advises that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. 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. 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.
11. Case law⁴ has also held that the building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Where the line is drawn between a conversion and a rebuild or fresh build is a matter of planning judgement.
12. The appeal building is fully enclosed and contains a steel portal frame, with external metal sheet cladding on the walls and roof, supported by timber and steel purlins and side rails. Dado walls are present along two of the four elevations. There is a concrete floor and no internal partitions or enclosures.
13. The SCR has been undertaken by a suitably qualified professional. Its executive summary states that the appeal building is “sound, robust and generally in very good condition”. It also found the building to be installed with formal structural foundations. During my site visit, I observed the building to be in good structural condition, but with many repair works required as indicated in the SCR.
14. The external walls appear to have little signs of damage. With the exception of locations of proposed windows or door openings, the SCR advises that the existing

³ 'When is permission required?' Paragraph 105 reference ID: 13-105-20180615 Revision date: 15/06/2018

⁴ *Hibbitt v SCLG* [2016] EWHC 2853

building cladding is to be retained, subject to minor repairs such as water ingress issues. I have found no reason to dispute that this cladding cannot be retained as set out in the evidence. Along the northern elevation, there is a narrow gap between the cladding and the concrete base. However, to my mind the overall extent of external elevation works to facilitate the proposed dwellings would not involve a significant amount of new fabric.

15. Internally, the concrete floor appears to be in good condition. The submitted evidence indicates that no structural alterations are required to the haunched steel portal frames or the building's bracing elements. The SCR however states that provision of internal partitioning and ceilings, insulation, vapour control layer and internal linings to the external wall cladding will be catered for by an independent lightweight steel frame system (SFS), built entirely from the existing concrete ground slab and with no need for new foundations. The required roof insulation will be provided as a new ceiling level and as part of the SFS.
16. I accept that the PPG advises that 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. The Order also makes no distinction between structural and non-structural works, and it places no restriction on whether works are structural or not.
17. However, in my judgement the extent of the SFS structure to facilitate the proposal would go beyond what could be reasonably described as building operations necessary for the building to function as a dwellinghouse. To my mind, the totality of these works amounts to a rebuild or a fresh build, rather than a conversion.
18. The appellant refers to an allowed appeal and costs decision⁵ in 2023 for a Class Q change of use from an agricultural building to dwellinghouse(s) including associated building operations reasonably necessary to convert the building. The full details considered under that appeal are not before me. Upon my reading of its decision letter, the required building operations to facilitate the change of use as described are not as extensive as those required for the current appeal proposal.
19. My attention has also been drawn to an appeal allowed⁶ in 2021 for a Class Q conversion of a commercial greenhouse to a dwelling. There appear to be some similarities with the current appeal in terms of the existence of a solid concrete floor slab and the extent of proposed building operations. The full details supporting that appeal are however not before me. In any event, that appeal would have turned on its own evidence, site-specific circumstances, and an individual application of planning judgement. It therefore does not justify allowing this appeal.
20. In conclusion, I have found that the extent of building operations relating to the SFS, to facilitate the proposed change of use, would go beyond the provisions of Schedule 2, Part 3, Class Q of the Order. I therefore do not consider such works to be reasonably necessary for the building to function as two dwellinghouses.

⁵ APP/K0235/W/22/3302658: Sharnbrook, Bedfordshire

⁶ APP/W330/W/21/3268761: Nailsbourne, Taunton, Somerset

Other Matters

21. I note that the appeal proposal follows on from a Pre-application Enquiry made to the LPA, and a further meeting with LPA officers. However, I must determine the appeal based on all submitted evidence, the site-specific circumstances, and my site visit observations.

Conclusion

22. For the reasons given, the appeal should be dismissed.

R Cahalane

INSPECTOR