



Appeal Decision

Site visit made on 29 May 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/X2220/W/24/3356045

Existing Barn, Land South of Nash Road, Nash CT3 1JR

- 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) (GPDO).
 - The appeal is made by S and A Gibson against the decision of Dover District Council.
 - The application Ref is 24/00791.
 - The development proposed is for two semi-detached three bedroom properties.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above is taken from the application form but has been shortened in the interests of precision.
3. The reason for refusal mistakenly refers to Class Q(b) and Q1(i) of the GPDO, but the Council has since confirmed that the correct references should have been Class Q(c) and Q1(j). Despite the incorrect references, it is clear from the wording in the reason for refusal and the Planning Officer's Report why the Council considers that prior approval is required and was not given. The appellants were also invited to comment on this correction. I am satisfied that no parties have been prejudiced and have dealt with the appeal based on Class Q(c) and Q1(j).

Background and Main Issue

4. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building to a dwellinghouse. Class Q(c) allows for change of use and building operations that are reasonably necessary for the development. Paragraph Q1(j) allows for partial demolition and the installation or replacement of windows, doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. The extent of such operations must be reasonably necessary to convert the building to a dwellinghouse.
5. Development permitted under Class Q and paragraph Q1 is subject to the conditions set out in paragraph Q2, which include matters in respect of which the developer must apply to the local planning authority for prior approval. The condition in paragraph Q2(1)(f) relates to the design or external appearance of the building.
6. The main issue in this appeal is whether or not the proposed operations would go beyond the limitations set out in Class Q(c) and paragraph Q1(j). If the proposal is

permitted development, I would then consider the design or external appearance of the building.

Reasons

7. The appeal site comprises an agricultural barn which is enclosed on all sides, including a large front roller metal door. It has a steel roof and cladding over precast concrete panelled lower walls which appear raised above the ground.
8. The GPDO does not define what is meant by 'reasonably necessary'. However, the parties refer to the Hibbitt judgement¹ which provides important guidance on how these requirements should be interpreted. Although this related to different works to those proposed, it established 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.
9. The Planning Practice Guidance also states that it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion 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. This is a matter of planning judgment, based on fact and degree in each case.
10. The existing building has a structural steel frame with steel posts inserted into the ground which support it. It appears as a lightweight structure and neither the steel cladding nor the concrete panels appear to have any structural purpose.
11. The proposal would retain the external steel-clad roof and much of the metal cladding on the sides, but the existing panelled lower walls would be replaced by concrete block walls, amounting to around 26% of the overall building envelope. There would also be a need for an internal timber frame and the sections indicate that foundations would be installed.
12. It seems to me that the building would require substantial, cumulative works, some of a structural nature, for it to function as a dwelling given its original method of construction. Whilst it is proposed to retain most of the external steel cladding, a structural survey has not been submitted explaining what works would be required. In the absence of this, the appellants have not demonstrated that the proposal would be a conversion.
13. Consequently, I conclude that there has been a failure to demonstrate that the proposed operations would not go beyond the limitations set out in Class Q(c) and paragraph Q1(j) and therefore the proposal would not be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO.

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

Other Matters

14. As I have concluded that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO, there is no need for me to consider the scheme against the condition in paragraph Q2(1)(f) relating to the design or external appearance of the building.
15. The Council does not dispute that the proposal would comply with the limitations in Class Q of the GPDO relating to curtilage and agricultural use.

Conclusion

16. For the reasons given above, the appeal should be dismissed.

A Wright

INSPECTOR