



Appeal Decision

Site visit made on 9 May 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/H0520/W/25/3359128

Land between 63 and 67 High Street, Toseland PE19 6RX

- 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, Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ivan Quince against the decision of Huntingdonshire District Council.
 - The application Ref is 24/01452/PMBPA.
 - The development proposed is conversion of agricultural building to a three-bedroom self-contained dwelling and operational works to include a new roof, timber cladding to the elevations and the insertion of new doors and windows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal relates to a prior approval notification made under 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'). Development plan policies and the National Planning Policy Framework ('the Framework') can be considered relevant to prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.
3. The appellant's evidence includes an updated structural report¹ and an ecological appraisal². Whilst this information was not before the Council at the time that it made its decision, it was provided at the outset of the appeal and the Council has had opportunity to comment upon it. As this evidence does not alter the appeal scheme, no party has been prejudiced by my taking this information into account in determining this appeal.

Background and Main Issues

4. Schedule 2, Part 3, Class Q(a) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building.
5. Where development is proposed under Class Q(a) together with Class Q(b), and the proposed works are found to be permitted development, it is subject to the

¹ Visual Structural Inspection, Agricultural Land between no.63 and no.67 High Street, Toseland, St Neots. Ref 24/55874 Rev B; David Smith, DSA Civil and Structural Design Engineers, 26 November 2024.

² Report for the site of Land to the north of High Street, Toseland, PE19 6RX; Cherryfield Ecology, 22 November 2024.

condition under Paragraph Q.2(1) that before beginning the development, an application must be made to the Local Planning Authority for determination as to whether prior approval is required with regard to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location and siting, (f) the design and external appearance and (g) the provision of adequate natural light in all habitable rooms.

6. Schedule 2, Part 3, Paragraph W of the GPDO sets out that local planning authorities may refuse an application where, in its opinion, the proposed development does not comply with any conditions, limitations or restrictions specified as being applicable to the development in question.
7. The Council refused to grant prior approval on the basis that the proposal did not constitute development permitted under Schedule 2, Part 3, Class Q as it considered that insufficient information had been provided to demonstrate that the building is capable of being converted to residential use, and also that insufficient information had been provided in relation to its effect upon protected species.
8. The effect of permitted development upon protected species is not specifically referred to in the GPDO. Moreover, having considered the ecological appraisal, the Council has indicated that it is no longer pursuing this reason for refusal. On this basis, I have not considered it necessary to consider the matter further.
9. Accordingly, the main issue is whether the proposal is permitted development, in particular, whether the building operations are reasonably necessary for the building to function as a dwellinghouse.

Reasons

10. Planning Practice Guidance ('PPG') sets out that the permitted development rights under Class Q assume that the agricultural building is capable of functioning as a dwelling. Accordingly, building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission, would be permitted.
11. However, PPG also states that it is not the intention of the permitted development rights to allow rebuilding work which would exceed what is reasonably necessary for the conversion of the building to residential use. It is only where the building is already suitable for conversion that the building would be considered to have the permitted development right. If the works go beyond what amount to a conversion, and represent a rebuild, it will fail to be development permitted under Class Q. What represents a conversion or rebuild is not defined and thus is a matter of planning judgement on a case-by-case basis.
12. The provided structural report concludes that the building is structurally sound and able to accommodate the likely loading to which it will be subject to in changing to residential use without any structural alteration. The structural report is based on visual inspection only, along with test pits in order to establish foundations, however, it has been carried out by a professional company, and I afford weight to its findings.
13. However, only limited information has been provided as to the level of works that are proposed to facilitate the use of the appeal building as a dwelling. The appellant

sets out that the works would involve the provision of timber clad walls, a corrugated metal roof and aluminium framed openings but provides little additional detail.

14. Although the structural report identifies that the timber cladding and shiplap is generally in reasonable condition, I saw myself that it varies in age and condition, and in some places is missing. I also saw that roof panels are, in places, corroded. I saw that in several places that light and moisture can enter the structure through gaps between boards, or through corroded sheeting. Given the condition of some of the external elements of the building, it is probable that areas of external panelling will require replacement or repair, along with large areas of the roof, if not replaced in its entirety.
15. There is no suitably detailed information before me as to the extent of the existing fabric of the building that would be retained or replaced, or the precise nature of the works that are proposed. Although it is evident where new openings would be created, the appellant's submitted drawings and planning statement are vague and unclear with regard to the extent of works proposed in relation to the roof and external walls, including some areas of new walls to be created and reference within the description of the proposal to a new roof.
16. Furthermore, the structural report identified an internal load-bearing wall, which does not appear to be retained on the proposed plans. It is unclear what the implications of this would be in terms of the overall strength of the remaining structure, or whether this was taken into account within the conclusions of the structural report.
17. Individually, the installation or replacement of the various elements of the building may be permissible. However, it is necessary to consider the whole of the works involved and whether it would still amount to a conversion of the building, as opposed to a fresh build.
18. Therefore, while I acknowledge that the timber frame, and blockwork base of the building may be currently sound, are situated on concrete foundations and capable of accommodating additional loading, it nevertheless remains possible that building works required to convert the building could require repanelling of external walls and total replacement of the roof, as well as other works. When taken together, such works would potentially go beyond reasonably necessary building operations and would amount to rebuilding.
19. Overall, in the absence of detailed information as to the full extent of works that are required to facilitate its use as a dwellinghouse, I am unable to conclude that the building operations proposed are reasonably necessary for the building to function as a dwellinghouse. I therefore cannot find the scheme to comply with paragraph Q.1 of the GPDO. Accordingly, the proposal does not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order.

Other Matters

20. I have been directed to two appeal decisions in relation to other proposed conversions under Class Q. I do not have the full background context of these decisions, however I acknowledge that there are broad similarities with the scheme before me, in that they address the issue of whether the proposals amount to

permitted development, including whether building operations are reasonably necessary.

21. However, the cases cited relate to individual judgements based on specific details in terms of the extent of building works proposed. I also note that in both decisions that the Inspectors identified that much of the original structure would be retained, which, based upon the evidence which is before me, would not appear to be comparable to the proposal subject of this appeal.
22. It has also been brought to my attention that the Council accepted that the building was suitable for conversion in relation to a previous application for prior approval in 2018. I have not been provided with full details of this approval, or the level of detail that was provided in terms of the extent of proposed building works. I cannot be certain, therefore, that the proposal before me is directly comparable.
23. I note that the proposal has received support from a third-party. However, the reasons for this support have not been provided. Moreover, the consideration of this appeal is restricted to matters within the scope of the GPDO and a matter of fact and degree in terms of whether the proposal amounts to permitted development. This support is not, therefore, determinative in this instance.
24. I am also aware that the proposal was subject to objections from other third-parties. However, as I have found that the proposal would not amount to permitted development, it has not been necessary for me to consider them further.

Conclusion

25. For the reasons given above, I find that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

C Harding

INSPECTOR