



Appeal Decision

Site visit made on 17 June 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th June 2025

Appeal Ref: APP/W1145/W/24/3357169

Barn At Grid Reference 230995 112453 , Road From Stowford Cross To Jenns Cross, Bradworthy, Devon EX22 7RP

- 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 Mr Tim Whittle against the decision of Torridge District Council.
 - The application Ref is 1/0635/2024/AGMB.
 - The development proposed is described in the application as “proposed conversion of barn to create 1No. 1b1p dwelling and all associated works at Jenns Barn, Holsworthy, EX22 7RP”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was updated on 21 May 2024. Transitional arrangements allow for a prior approval application to be determined in accordance with the 1 August 2020 version of the GPDO as long as it was made before the 21st of May 2025. All references to the GPDO in this decision therefore relate to the 2020 version of the GPDO.

Background and Main Issue

3. The Planning Practice Guidance (PPG) states that permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is effectively a 2-stage process where it is necessary in the first instance to determine whether or not the proposal is permitted development.
4. Class Q of Part 3 of Schedule 2 to the GPDO states that development consisting of Q(a) 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) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
5. Paragraph Q.1.(i) states that such development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and

partial demolition to the extent reasonably necessary to carry out such building operations.

6. The PPG says that the permitted development does not include rebuilding work beyond what is reasonably necessary for conversion to residential use. It is claimed that there is no guidance on this though the PPG adds that the existing building must already be suitable for conversion to residential use to benefit from the permitted development right. Whether the proposal constitutes a conversion or rebuild is a matter of fact and degree, determined on the circumstances of the case. It says 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.
7. The Council refused the application for prior approval on that basis that the proposed alterations to the existing building, which includes the lowering of the ground floor, would go beyond what is allowed under Q.1.(i). There is no dispute between the parties that the remainder of the requirements of Q.1 are met.
8. I therefore consider the main issue to be whether the proposal would amount to permitted development.

Reasons

9. The appeal building comprises a very small rectangular barn of some age that is constructed from a range of materials including stone, cob, and blockwork. It includes a small mezzanine over a natural ground floor.
10. The *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin) case was primarily concerned with whether that scheme amounted to a “conversion” or “rebuild”. The appellant says that this judgement is not relevant as rebuilding will not take place. Be that as it may, even though the buildings are different in form and would not require the same interventions, the judgment is still relevant insofar as an assessment needs to be made as to the nature and extent of the “conversion”.
11. The appellant claims that there are parallels between the amount of work required to install external walls and foundations and internal floor excavation. It is acknowledged that the GPDO allows for a good deal of structural work to be carried out to agricultural buildings to bring them up to a habitable standard. That would be true in this case where works such as insulation, strengthening, improvements, and new windows would be added to a structurally sound building. Moreover, many of its external materials would be reused in the scheme, thus avoiding a wholesale rebuild to its exterior. However, there is a distinction between these works, including securing the foundations of walls or internal structural works to create a floor as supported in the PPG, and the excavation of ground to achieve habitable standards.
12. It is claimed that the new lowered floor would not be extensive, and the objective is to maintain the essence of the original structure. Even though the appeal building’s exterior would be retained, in order to comply with the necessary space standards for new dwellings, the plans show 4 steps down to the new lower ground floor.

This would allow for sufficient headspace to accommodate the proposed mezzanine above. It would not be an insignificant drop, particularly as the lowering would cover over half of the building's internal ground floorspace. Accordingly, the existing building is simply not large enough or capable of being converted to a suitably sized dwelling in its current form.

13. Furthermore, given the very small scale of the building, and notwithstanding the appellant's position, the amount of excavation is proportionally large. While internal works are not generally development, the intervention would go well beyond this by fundamentally altering the building's interior fabric. As a matter of planning judgement, the required works to make a habitable building are extensive and excessive. In that context, there is little to show that such excavations would be permitted under Section 55(20(a) of the Town and Country Planning Act 1990. Therefore, the proposal does not fall within one of the permitted building operations in Q.1(i) or any other scenarios supported in the PPG.
14. My attention has been drawn to a number of appeal decisions concerning the conversion of buildings under Class Q. The inspector dealing with the Bedport Farm decision¹ noted that various building operations were permitted under Class Q.1(i), whereas the proposed excavation in this scheme is not one. This decision is not comparable. While the inspector dealing with the Brownsplit decision² noted the inclusion of a new ground bearing concrete slab and significant works, there is little before me to show this amounted to excavation. A further appeal is referenced in respect of demolition, though this is not a disputed aspect of the scheme before me. With all of these examples, I have been provided with limited detailed site specific information, and in any case, I have assessed this proposal on its merits.
15. For the reasons given, the building is not already suitable for conversion and none of the proposed works to excavate and create a new lower ground floor would be reasonably necessary for the building to function as a dwelling. As such, the proposal would not constitute permitted development.

Other Matter

16. It is noted that the Council has not raised any concerns over the prior approval matters. However, given my conclusion that the proposed change of use would not be permitted development, there is no need for me to consider whether or not any conditions or limitations of Class Q, such as transport, noise, contamination, flood risk, location or siting, design or external appearance, and natural light prevent prior approval being given, as it would not alter the outcome of the appeal.

Conclusion

17. For the reasons given above, the appeal is dismissed.

J Hills

INSPECTOR

¹ APP/X1118/W/19/3228101

² APP/D0840/W/22/3295671