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## Appeal Decisions

Site visit made on 1 May 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

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**Appeal Ref: APP/E2001/W/25/3360071**

**Kiln House, Kiln House Lane, Tunstall, East Riding of Yorkshire HU12 0JH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to approval required under 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 IAPS Ltd. against the decision of East Riding of Yorkshire Council.
  - The application Ref is 24/03175/AGRNOT.
  - The development proposed is change of use of agricultural building (Barn 3) to 2 dwellings with associated building operations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. This appeal is linked to two other appeal decisions<sup>1</sup>. It is common for linked appeals to share the same decision letter. However, for reasons of clarity, the outcome of these two appeals shall be subject to their own individual decisions. This appeal decision is solely focused on 'Barn 3a and 3b', as referred to in the evidence provided by the appellant.
3. The proposal relates to works 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), for the change of use of an existing agricultural building to a dwelling (Use Class C3) with associated works.

### Main Issues

4. The main issues are:
  - whether the extent of the building operations would be reasonably necessary to convert the building to a dwelling house, having regard to the requirements of the GPDO; and,
  - whether the design and external appearance of the building would be acceptable.

### Reasons

*Whether the proposal would consist of building operations that are more than reasonably necessary*

5. Class Q allows, in summary, development consisting of a change of use of an agricultural building, or a former agricultural building, together with building

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<sup>1</sup> APP/E2001/W/25/3360069 and APP/E2001/W/25/3360070

operations reasonably necessary to convert the building to a dwelling. It is important to note that to benefit from the permitted development rights under Class Q, the building must be converted.

6. Both parties refer to the case of *Hibbitt*<sup>2</sup>. The case explores, amongst other matters, the distinction between works required for the conversion of an existing building and works amounting to a rebuild. In that case, works including the construction of all four exterior walls were found to go well beyond what could reasonably be described as conversion. The Planning Practice Guidance (PPG) also clarifies, in terms of Class Q, that the agricultural building must be capable of functioning as a dwelling. It further clarifies that the intention of the permitted development is not to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.
7. The GPDO notes that development is not permitted by Class Q if the development 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. This is to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1. The GPDO and the PPG do not define the term 'reasonably necessary.' Therefore, this is a matter of planning judgement based on fact and degree of an individual case.
8. Barns 3a and 3b are located to the west of the appeal site and close to Kilnhouse Lane. These barns are constructed from a mixture of concrete, blockwork, plywood panelling and timber cladding to their walls with a corrugated metal roof. The appeal before me is accompanied by a Structural Appraisal (prepared by EST – Environmental). This appraisal finds that Barns 3a and 3b are suitable for conversion into residential dwellings and details the extent of the works required.
9. However, with regard to Barn 3b, the appraisal notes that within the south section of the barn, some sections of flooring will be required to be added. This is due to its absence in its existing form on unmade ground. Therefore, a floor slab is only present in certain elements of Barn 3b. This is an intrinsic structural component of any building. Under Class Q, the installation of a floor is not covered by the GPDO. For this reason, this does not present an existing structure which is sound and suitable for conversion from an agricultural building to that of a residential dwelling.
10. With regards to Barn 3a, the timber structure of the barn is sited on an uneven floor slab and does not appear to be tied into the floor slab, thus not appearing to be of permanent and substantial construction. The appraisal contains minimal details as to whether this floor slab is suitable and would be able to hold such a structure once converted for residential use. I have not been provided with such convincing evidence to suggest that this would not be required. The provision of such structural works to support the building for residential use would fall outside of the scope of works permitted under Class Q of the GPDO.
11. The Council have drawn my attention to the walls of the structures. It is also noted by the Council that there are discrepancies in the materials between the existing and proposed external finishes to certain elevations and therefore, this indicates that these will be replaced. However, in having regard to the building operations

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

which are permitted under Class Q of the GPDO, the replacement of external walls would be permitted and therefore, I do not find conflict with the GPDO with this specific element of the proposal if this were to be the case.

12. An appeal decision at Townhead Farm<sup>3</sup> and a decision at Hayes Gate Farm<sup>4</sup> have been provided by the appellant. This information is limited to the appeal decision for each example. No plans have been provided and therefore, I cannot ascertain any similarities to Barns 3a and 3b. I have considered the appeal before me on its own merits and have found the evidence before me to be insufficient to demonstrate the proposal would be permitted development.
13. To conclude, works such as the installation of walls are permitted under Q1 of the GPDO. In following the guidance found within the PPG, I note that internal works are generally not development. Despite this, the provision of a floor to Barn 3b would be beyond the works considered as reasonably necessary to allow the building to be converted to a dwellinghouse. I am also not content that Barn 3a would not require significant structural works to its floor which would also be beyond the realms of what is reasonably necessary to allow the building to be converted into a dwelling.
14. For the above reasons, the proposed works to the existing structure would not meet with the requirements of permitted development as set out in Class Q.

#### *Character and appearance*

15. The Council state that the proposal would also fail to comply with Class Q in that the design and external appearance of the buildings would be harmful to the character and appearance of the site and its surroundings. Having found that the proposal would not be permitted development, it is not necessary for me to consider the prior approval matters listed under the condition in Paragraph Q.2.(1) of Class Q of the GPDO, including matters relating to the design or external appearance of the buildings.

#### **Other Matters**

16. The appellant notes that consultations with technical consultees returned no objections with the exception of Environmental Control and Highways, subject to the imposition of conditions. The absence of objections or the use of the conditions would not overcome the fact that the proposal is not permitted development.

#### **Conclusion**

17. For the above reasons, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

*J Smith*

INSPECTOR

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<sup>3</sup> APP/B3438/W/19/3224978

<sup>4</sup> APP/B3438/W/18/3202031