



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

Appeal Ref: APP/E2001/W/25/3360069

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 24/03173/AGRNOT.
 - The development proposed is change of use of agricultural building (Barn 1) to dwelling 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 decisions¹. 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 1', 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.

Background and 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

¹ APP/E2001/W/25/3360070 and APP/E2001/W/25/3360071

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 has to be converted.

6. Both parties refer to the case of *Hibbitt*². 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, the provision of 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. 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. Barn 1 is located to the eastern side of the appeal site. The appeal before me is accompanied by a Structural Appraisal (prepared by EST – Environmental). This appraisal finds that the existing building is suitable for conversion into a residential dwelling and details the extent of the works required.
9. Three sides of the barn are made up of a mixture of cast concrete, brick and rendered brick. Some brickwork would be removed and replaced, with some cracking to a wall repaired. One end of the barn is open and from this position, its supporting timbers and roof material can be easily viewed. The roof is constructed from corrugated cement board and the floor is of concrete. The proposal would retain the existing roof materials and repair and paint panels where necessary. A damp proof membrane would be required to be installed.
10. I observed during my site visit that the building is of a permanent and substantial construction, with no obvious visible defects to it which would require works which are beyond reasonably necessary for habitation. The works would retain much of the existing structure, and the upgrade of certain elements, such as the replacement of brickwork and the fixing of the roof. This would in my view, fall within the category as being reasonably necessary for Barn 1 to be functional as a dwelling. Therefore, without any substantive evidence to the contrary, I consider that the appeal building is structurally sound and that the proposed building works would not be of a scale nor magnitude that would go beyond what is reasonably necessary for the conversion of the building to function as a dwellinghouse in this instance.
11. Therefore, the proposal would be permitted development under Class Q.1 of the GPDO.

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

Character and appearance

12. The Council state that the proposals would not comply with Paragraph Q.2 (1)(f) of the Order in that the appearance of the building would have a harmful effect on the character and appearance of the site and its surroundings, namely, the design of glazed openings proposed to the building and the use of the existing concrete, rendered brickwork and corrugated metal sheet roofing on a building utilised as a dwelling.
13. The proposal would introduce a number of vertical openings along the western and southern elevations. Whilst a new wall would be required to enclose the building on the western elevation, the combination of the design and number of the openings to this elevation would not be typical of that found on a rural building of this nature and form. Furthermore, the provision of openings in the southern elevation would similarly create a strong domestic appearance to the detriment of the building's functional and agrarian character. As a result, Barn 1 would appear incongruous within its rural setting due to the provision of these glazed elements. This would harm the character of the surrounding area.
14. The Council are critical that the use of the existing materials in the conversion of the building would have a stark and rudimentary character which is uncharacteristic of a residential dwelling. Whilst these materials are not attractive or typically found on residential buildings, they are simple and basic materials which are expected on a building which has been utilised for agricultural purposes. Their use would respect the existing appearance of the building in its agricultural form. Therefore, I do not find that the utilisation of these specific elements of the proposal to convert an agricultural building to a dwelling would be harmful.
15. An appeal decision at Townhead Farm³ and a decision at Hayes Gate Farm⁴ 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 in appearance to Barn 1. These examples are both located a significant distance from the appeal site and do not relate to the conversion of agricultural buildings within the East Riding of Yorkshire area. Further, the appellant has provided references and an explanation of additional cases considered at appeal. This is limited to a reference number and is absent of any decision letter and supporting plans. As such, for these reasons, I cannot determine any similarities between these decisions and the proposal before me.
16. In view of the above, due to the design and number of proposed glazed openings to the western and southern elevations, the proposal would be harmful to the existing character and appearance of the building. Therefore, the proposal would fail to meet condition at Paragraph Q2 (1)(f) of the GPDO. Insofar as they are relevant to design, the proposal would be contrary to section 12 of the National Planning Policy Framework.

Other Matters

17. The appellant notes that consultations with technical consultees returned no objections with the exception of Environmental Control and Highways, subject to

³ APP/B3438/W/19/3224978

⁴ APP/B3438/W/18/3202031

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

18. For the reasons given above, and notwithstanding my findings in respect of the building operations which would be undertaken, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

J Smith

INSPECTOR