



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/25/3360070

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 reference is: 24/03174/AGRNOT.
 - The development proposed is change of use of agricultural building (Barn 2) 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 2', 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 Issue

4. The main issue is 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

Reasons

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 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. The parties refer to the case of Hibbit². The case explores, amongst other matters, the distinction between works required for the conversion of an existing building

¹ APP/E2001/W/25/3360069 and APP/E2001/W/25/3360071

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

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. Barn 2 is located towards the southern boundary of the appeal site. The walls are formed of a mixture of concrete, brickwork, blockwork, stone and timber cladding in places. The floor is made from concrete floor and varies in levels across the building. 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. The appraisal notes that that the roof will be required to be repaired in places and that all of the relevant timbers are well preserved and are of a sound construction. However, the plans before me indicate that the west, east and south elevations would each benefit from a new box profiled sheet metal roof. This is a contradiction to the findings of the structural appraisal submitted and I have considered that a new roof is indeed proposed. This does lead to the question of whether the roof structure is indeed of sound construction.
10. Nevertheless, I am cognisant that building operations such as the installation or replacement of a roof are permitted under Q1 of Class Q of the GPDO. However, during my site visit, I noted that the structural components which support the roof, such as the rafters and the metal truss system, were rusted. Further to these structures is an internal brickwork column which appears to support an area of the roof structure. This is noted in the appraisal to not be in a great condition and does show signs of deterioration.
11. When taking the above elements collectively into account, I am not convinced that the structural elements which support the roof are indeed structurally sound and no evidence has been provided to suggest otherwise. In my analysis of the GPDO, the installation or replacement of such supporting structures is not permitted. The structural components which make up a building must be present and in a sound condition for the building to be subsequently converted from an agricultural building to that of a residential dwelling. The replacement of such necessary structures would, in my mind, constitute as a rebuild of a core element of Barn 2, even if these structures relate to just one but nevertheless integral element of the building. Consequently, the scheme would not meet with the requirement of Class Q that the building be converted, and, therefore, the proposal would not constitute permitted development.

12. My attention is drawn to the build of a wall to the north elevation as shown on the proposed plans. These works are not discussed within the structural appraisal. Therefore, what these works would entail and their means of construction is unknown. Whilst the construction of exterior walls are permitted under Q1 of the GPDO, there is an absence of information on these works and whether this element of construction would require work to further structural components. Therefore, this adds to my concern that overall, the proposed works would go beyond what is deemed to be reasonably necessary.
13. 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 to Barn 2. 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. These examples are 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. 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.
14. To conclude on the matters which relate to building operations, works such as the installation of walls and roofs 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, I am not content that, based on the evidence or absence of evidence before me, that the totality of the works that would be necessary to allow the buildings to be converted to dwellinghouses would not amount to substantial re-building of the structural components of Barn 2.
15. 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.

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

³ APP/B3438/W/19/3224978

⁴ APP/B3438/W/18/3202031