



Appeal Decision

Site visit made on 11 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/C1570/W/24/3353916

Langley Lower Green, Langley, Essex, CB11 4SB

- 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 AS Clark & Sons against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1710/PAQ3.
 - The development proposed is a change of use and conversion of an agricultural building to 1 no. dwelling.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Prior Notification of a change of use and conversion of an agricultural building to 1 no. dwelling at Langley Lower Green, Langley, Essex, CB11 4SB in accordance with the application UTT/24/1710/PAQ3 and the details submitted with it and subject to the following conditions:
 - 1) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.
 - 2) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and

- ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 3) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is occupied. Details shall include the design of any lighting units, any supporting structures and the extent of the area to be illuminated. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be undertaken in accordance with the following;
 - i) Implementation of measures to control the emission of dust and dirt during construction;
 - ii) No waste materials to be burnt on the site but rather to be removed and disposed of appropriately;
 - iii) All construction works and associated deliveries to the site shall only take place between the hours of 0800 and 1800 Monday to Friday, 0800 and 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Preliminary Matters

- 2. Notwithstanding the description of development that was included on the application form, which was for a change of use of agricultural building to 1 no. dwelling, the appellant made it clear by ticking the relevant box on the application form that associated building works or operations were also required to make that change of use. It was on that basis that the Council considered the application. Consequently, I have made a minor amendment to the description of development to ensure that it reflects the proposal subject of this appeal.

Background and Main Issue

- 3. It is common ground between the main parties that the appeal site forms part of an established agricultural unit. 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), development is permitted for the change of use of a building that is part of an established agricultural unit and any land within that buildings curtilage to a use falling within Class C3 (dwellinghouse) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
- 4. The Council refused the application on the basis that they were not satisfied that the building was capable of conversion without unreasonable works that would comprise a fresh build beyond what constitutes a conversion of the building, including potential works to the structure of the building.
- 5. It follows that the main issue is whether or not the building operations involved in the development would be to an extent reasonably necessary to convert the building to a use falling within Class C3.

Reasons

- 6. The existing barn consists of a building with a timber frame sat on timber posts. The front and parts of the side walls are entirely open, whereas the rear wall, and

other parts of the side walls and the roof are clad in corrugated asbestos cement sheeting. The frames are braced with timber diagonal braces between the posts and the timber of the roof beams. I observed at the site visit that structurally the building appears to be in generally good condition and of a solid construction with a significant timber frame providing support to the existing roof structure.

7. The appellant's Structural Report indicates that the existing building is capable of being renovated with some minor refurbishment to add insulation, profiled cladding roof sheeting, blockwork walls, timber featheredge boarding and a new concrete slab with floor insulation. The Council have not provided any compelling evidence which would persuade me that in structural terms the existing building is not capable of conversion.
8. The proposal would require the replacement of the roof and the replacement of parts of the wall as well as the introduction of doors and windows. Class Q.1(j)(i)(aa) allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. It also allows for the partial demolition to the extent reasonably necessary to carry out these building operations. To my mind the vast majority of the works reasonably necessary for the building to function as a dwellinghouse are covered under these items, including the removal and replacement of the existing roof and walls.
9. I appreciate that the proposed conversion would also involve a new concrete slab with floor insulation which would create a new floor. However, the relevant Planning Practice Guidance (PPG) sets out that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor. That is the case here.
10. The Council consider that the external appearance would be materially different to the existing structure and rely on case law to support their position¹. However, while I accept that the proposed works will inevitably change the external appearance of the building, many aspects will be retained, including the height, scale and footprint of the building.
11. Consequently, notwithstanding that there will be some changes to the external appearance of the existing building, that is not fatal to the scheme as I consider that the external appearance of the proposed development will be entirely appropriate and compatible with this countryside location. Moreover, as a matter of fact and degree I am satisfied that the existing building is capable of conversion to residential use without operations that would amount to either complete or substantial re-building of the pre-existing structure or in effect the creation of a new building. Therefore, I am satisfied that the proposed conversion would not conflict with well-established case law², as the works would not go beyond what would reasonably amount to a 'conversion'.
12. I therefore conclude that based on the available evidence the building is structurally capable of conversion and would form an integral part of the new dwelling. The proposed building operations would be reasonably necessary for the building to function as a dwelling house and would not exceed the limitations set

¹ Burroughs Day v Bristol CC (1996)

² Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors [2016] EWHC 2853 (Admin)

out in paragraph Q.1(j) of Class Q of the GDPO or as set out in the relevant PPG. It follows the proposal to convert the existing building would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

13. The conditions set out in paragraph Q2 of Class Q of the GDPO relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate light in all habitable rooms. I have dealt with the external appearance above. In relation to the other matters the Council have not suggested that they have any concerns although they have suggested conditions in relation to certain matters which I deal with further below.
14. Taking account of the available evidence and my own observations on the site visit, I am satisfied that the proposal would comply with the other matters considered under Class Q of the GDPO.

Conditions

15. As outlined above, the Council have suggested a list of conditions which it recommends should be attached to any permission. I have considered these and in the interests of clarity and precision I have amended some of the suggested conditions. I have also omitted some where I do not consider they are necessary which I will explain further below.
16. A condition to set out that prior approval is not required or that if not required the development should be carried out in accordance with the details submitted in the application are not necessary as this decision grants prior approval. Similarly, any prior approval granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q is subject to the condition under paragraph Q.2(4) that sets out that the development will be completed within three years starting with the prior approval date. It follows that an additional condition specifying the same timing is not necessary.
17. Paragraph W(13) of the GDPO sets out that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. I consider that conditions to ensure that any contamination is satisfactorily remediated is necessary and reasonable. However, given the scale of development and the nature of the appeal site, I have simplified the conditions suggested by the Council.
18. Given the location of the appeal site relative to other residential dwellings in the interests of the living conditions of neighbouring residents it is reasonable to impose a condition to ensure that any proposed external lighting is appropriate. It is also necessary to impose a condition to ensure that the development doesn't cause unacceptable nuisance while the building is being converted.
19. During consideration of the proposed development by the Council I note that Place Services advised that they did not have any concerns in relation to ecological impacts, but did raise the possibility of the imposition of conditions in relation to the installation of appropriate lighting to protect bats and the implementation of the recommendations suggested by the appellant in their Ecological Survey and

Assessment dated July 2023 (ES). No such conditions were included in the Council's suggested list of conditions.

20. The ES found no evidence of bats either in the existing building itself, or in any of the vegetation that would be affected by the proposal. Consequently, I am satisfied that even taking account of any external lighting that would be installed, the proposal would not have a detrimental impact on the local bat population. It follows that a specific condition in relation bats is not necessary. Moreover, the prior approval is granted in accordance with the details submitted with the application, which includes the recommendations for reasonable biodiversity enhancements included in the ES. Consequently, again a separate condition is unnecessary.

Conclusion

21. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR