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## Appeal Decision

Site visit made on 21 May 2025

**by Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 June 2025**

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**Appeal Ref: APP/H1840/W/25/3363047**

**Oak Farm O'keys Lane, Fernhill Heath, Worcestershire WR3 8RL**

- 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 & Mrs Harper-Lee against the decision of Wychavon District Council.
  - The application Ref is W/24/02458/GPDQ.
  - The development proposed is described as “prior notification for the proposed change of use of an existing agricultural building, and associated conversion works, to form 2 no. dwellinghouses”.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. Class Q(a) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits the change of use of a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that buildings curtilage to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order<sup>1</sup>.
3. Class Q(c) of Schedule 2, Part 3 of the GPDO permits development consisting of Class Q(a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.
4. Paragraph Q1 sets out the circumstances when development would not be permitted by Class Q. Of these, the Council cites the proposal as not satisfying the requirements set out in paragraph Q1(j). The Decision Notice also makes it clear that the proposed development would be unacceptable in terms of the matter set out at paragraph Q2(1)(g) for which prior approval is sought.
5. The main issues in this appeal are:
  - whether the proposed development would be permitted under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the building operations would be reasonably necessary to convert the building into a dwellinghouse under Paragraphs Q(c), whether these building operations would amount to a conversion; and whether the proposed development would satisfy the requirements of paragraph Q1(j) of Schedule 2, Part 3 of the GPDO;

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<sup>1</sup> Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended)

- if so, whether prior approval should be granted when assessed against the matter set out at paragraph Q2(1)(g) regarding the provision of adequate natural light in all habitable rooms of the dwellinghouses.

## Reasons

6. There is no dispute between the parties that the appeal property is a former agricultural building that was (but is no longer) part of an established agricultural unit and that the existing building is structurally sound.
7. The appeal property is a large single storey steel portal framed building with an asbestos cement cladded roof and walls which are a combination of single leaf blockwork, corrugated iron cladding and Yorkshire boarding. There is no existing floor slab. The building was constructed in two phases. It is estimated that the first phase was built in the 1950s and the second phase in the 1980s.
8. The proposal would include the demolition of the older section of the building, which would be replaced with the frontage to the proposed dwellings, including vehicle parking. The newer section of the building would require a new exterior wall to be constructed to form the front elevations of the proposed dwellings. Although this partial demolition would be a significant building operation, it would be reasonably necessary for the building to be converted to 2 dwellinghouses.
9. The other building operations required to convert the appeal property are set out at paragraph 22 of the appellant's Planning Statement<sup>2</sup> and paragraph 4.2 of the Structural Inspection Report<sup>3</sup>. However, there appears to be some ambiguity regarding the extent of the proposed operations. For example, the Planning Statement states that the works would include the replacement of the roof cladding, to remove asbestos containing material, whereas the Structural Inspection Report states that the asbestos cement roof cladding would be overlain with an insulated cladding. The Planning Statement states the works would include the construction of sections of infill wall at lower level, and the insertion of windows and doors to provide natural light to living spaces and access, whereas the Structural Inspection Report states that new windows and doors as required and permitted under Class Q, will be supported by the existing blockwork wall panels and will not require modification of existing primary structural frame elements. The Structural Inspection Report also states at paragraph 4.1 that the blockwork walling will all be retained and re-used and will not require modification.
10. I saw on my visit that the proposal shown on the submitted plans would involve a substantial amount of demolition and fresh building to the north-east elevation of the building. This elevation currently contains the main entrance doors to the building, which, in terms of the existing structure comprise 3 large gaps. These gaps take up more than half of this elevation. Between these entrance gaps are 2 sections of low-level blockwork walling with Yorkshire boarding above. The proposal would involve the infilling of a considerable amount of the existing entrance gaps. It would also appear to involve the removal of a whole section of the existing blockwork walling. This would not be required to insert new windows or doors, rather the walling would be replaced with a 1.8 metre close board fence.

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<sup>2</sup> Planning Statement, Prior notification for the proposed change of use of an existing agricultural building, and associated conversion works, to form 2 no. dwellinghouses, Barn at Oak Farm, Okeys Lane, Fernhill Heath, Worcester, WR3 8RL, prepared by Greenaway Planning, dated November 2024.

<sup>3</sup> Structural inspection of steel portal framed barn at Oak Farm, Okeys Lane, Worcester, prepared by Shire, dated September 2024, Ref No: S-23-056, Document No: RPS-1.

A new wall would then be constructed a couple of metres back from the close board fence. This wall would form the outer wall to unit 2 with an external courtyard between it and the close board fence.

11. A similar external courtyard arrangement is also proposed for unit 1 on the south-west elevation of the building. However, the building operations to deliver this are more modest. They only involve the removal of a moderate amount of the existing Yorkshire boarding rather than the removal of the existing blockwork walling.
12. No explanation has been provided as to why the external courtyards would be necessary to convert the existing building to residential use. Whether the courtyard walls would be considered external or internal walls, in this case, the extent of the operations to the north-east elevation required to achieve the external courtyard, would appear to go beyond what would be reasonably necessary for the building to be converted to 2 dwellinghouses when compared to the existing building.
13. In addition, the considerable amount of demolition and fresh building required to the north-east elevation of the building, together with the other operations proposed, including the new exterior wall to form the north-west elevation, an appreciable loss of existing fabric to insert large amounts of new glazing into the south-east elevation, a new wall cladding system and new floor slab, would be extensive and would amount to more than a conversion of the existing building. In coming to this view, I have had regard to the Hibbitt judgement<sup>4</sup> and the advice set out in the Planning Practice Guidance<sup>5</sup>.
14. Furthermore, the proposed building operations to the north-east elevation do not appear to have been fully considered in the Structural Inspection Report and, as a result, I am not satisfied that the conclusions set out in the report were based on the full extent of the works needed to deliver the proposal shown on the submitted plans. It is therefore unclear, from the evidence before me, whether these operations would involve structural changes.
15. It may be that, individually, each building operation would be permitted under paragraph Q1(j) of Class Q of Schedule 2, Part 3 of the GPDO. Nonetheless, for the reasons set out above, together these building operations, particularly those proposed for the north-east elevation, would go beyond those reasonably necessary for the building to function as a dwellinghouse. The proposal would therefore not meet the requirements of Q1(j) Schedule 2, Part 3 of the GPDO.
16. Accordingly, from the evidence before me and my observations on site, it is unclear whether the existing building is suitable for conversion to residential use. The proposal would appear to go beyond what would be reasonably necessary to convert the building, and the totality of the building operations proposed would amount to more than just a conversion. The proposal would therefore not fall within the scope of that permissible under Class Q and would not benefit from deemed permission under Class Q(c) of Schedule 2, Part 3 of the GPDO.
17. As the proposed development is not permitted development, it is not necessary for me to assess whether prior approval should be granted for the matter set out at paragraph Q.2(g).

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<sup>4</sup> Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853 (Admin)

<sup>5</sup> Paragraph:105 Reference ID: 13-105-20180615

## **Conclusion**

18. For the reasons above, the appeal is dismissed.

*Hannah Guest*

INSPECTOR