



Appeal Decision

Site visit made on 3 June 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/U1105/W/25/3359850

Barton Farm, Village Way, Aylesbeare EX5 2FF

- 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 Slade (RS Aylesbeare Ltd) against the decision of East Devon District Council.
 - The application Ref is 24/1836/PDQ.
 - The development proposed is described as 'Prior notification (Class Q – (a) and (c)) for a change of use from building on a former agricultural unit to 2no. dwellinghouses (Use Class C3)'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Class Q.(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) allows the change from a use as a former agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order. Class Q.(c) allows building operations which are reasonably necessary to convert the building to such a use.
3. There are two points at issue between the parties. The first point at issue is whether the proposed development satisfies Class Q.(c) in relation to whether it includes building operations including demolition other than those permitted under paragraph Q1.(j) and secondly, the design and external appearance of the building as a result of the proposal.
4. Against this background, I consider the main issue in this appeal to be whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the building operations reasonably necessary for the building to function as a dwellinghouse; and if so the effect of the design and external appearance of the resulting building on the site and its surroundings.

Reasons

Whether the proposal constitutes permitted development.

5. The building is a steel framed ridged roof shed with a substantial open sided, lean-to section on its southern side. The lean-to section is separated from the rest of the building by concrete panels with timber boarding above. The timber boarding is formed of individual boards with narrow gaps between each piece of timber. The roof comprises corrugated sheeting. The northern side of the building is open and has a concrete slab floor for part of its length. The eastern and western ends of

this side of the building are half enclosed by concrete panels with timber boarding above. The remaining half at each end is enclosed by a metal gate with translucent, non-structural mesh above.

6. The proposal is to demolish the mono-pitch lean-to section and the northern half of the remaining shed and create two, two storey dwellings within the remaining part of the building through the installation of internal walls and a first floor. Window and door openings would be created in the southern elevation and in the proposed wall which would form the new north elevation of the building.
7. The appellant's Structural Survey Report indicates that the proposal would retain the existing steel frame and build up the external walls to full height using blockwork. A timber frame would be constructed within the blockwork walls. Although no details are provided in the Structural Survey Report, it was apparent from my site visit that the part of the building where the new dwellings would be created would require a floor to be constructed on what is currently described in the report as 'natural ground.'
8. Planning Practice Guidance (PPG) makes clear that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention of the right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. I am also aware of the *Hibbitt* case¹ which confirms that the assessment of whether a proposal complies with Class Q and the PPG is a matter of planning judgement.
9. The Structural Survey Report is brief and was prepared for a previous proposal, the full details of which have not been provided to me. Whilst it indicates that the steel frame and concrete panels provide stability to the structure, it does not demonstrate that the removal of the northern part of the existing building and the stanchions and beams which support it, would not affect the structural integrity of the rest of the building. Nor does it explain what building operations may be required to make the roof suitable for a residential use, the works required to construct the ground floor within the building, or how the first floor would be constructed and any structural alterations involved.
10. Whilst the proposed plans show the existing timber boarding and concrete panels being kept on the proposed south, east and west elevations of the retained part of the building, I saw on my site visit that due to the gaps between each board, the external timber boarding was not sufficiently weatherproof to provide a robust external wall to the proposed dwellings. The proposals do not fully explain how the gaps between the boards would be enclosed or made weatherproof. Even though the Structural Survey Report indicates that blockwork would be used to build up the external walls to full height, it does not address how this would be achieved whilst retaining the existing boarding and concrete panels. Moreover, the proposal to build up the walls with blockwork is vague and suggests that more significant building operations would be required than is shown on the plans. As a consequence, drawing these various points together, I cannot be certain about the extent of the proposed building operations which would be required to convert the

¹ *Hibbitt v. SSCLG(1) and Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin)

building and whether they would exceed what is reasonably necessary to convert the building.

11. The lean-to section on the southern side of the building forms a substantial part of the existing building. Its demolition together with the demolition of the northern half of the remaining ridged roof part of the building, would leave significantly less than half of the footprint of the existing building remaining. The demolition of large parts of the existing building appears to be proposed simply to expose the main inner core of the building so that it can be used to create the proposed dwellings. As large sections of the existing building are to be removed in an effort to demonstrate that a conversion to a residential use could take place under Class Q in the remainder of the building, it indicates that the building as it exists is not already suitable for conversion to residential use. If it was, such substantial demolition would not be required.
12. Even if the existing building were to be suitable for conversion to residential use, paragraph Q1.(j)(ii) only permits partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q1.(j)(i). Although the appellant's evidence indicates that the demolition is necessary to allow natural light into the habitable rooms in the proposed dwellings, it does not demonstrate that the demolition of the southern part of the building is reasonably necessary to carry out the installation of the windows themselves, the doors or the new exterior wall proposed on the northern side of the altered building. As a result, notwithstanding my conclusions above, on the basis of the evidence before me I am not convinced in any event that the demolition work of the lean-to would be allowed by paragraph Q1.(j)(ii).
13. Paragraph W.(3)(b) of Part 3 of the GPDO indicates that an application may be refused where the developer has provided insufficient information. From the evidence before me, the extent of the proposed building operations is unclear. It seems probable that significant new building operations would be required to achieve the residential use and these would go beyond what is necessary for the conversion of the building to residential use.
14. Therefore, for the reasons given, I cannot conclude that the proposal would fall within the scope of permitted development rights under Class Q and would be permitted development.

Other Matters

15. Paragraph Q2. of the GPDO requires that development permitted under Class Q is subject to a number of conditions including a determination as to whether prior approval will be required as to the design or external appearance of the building. However, in view of my conclusion on the main issue, it is not necessary for me to consider that matter in any further detail.
16. The site is located within 10km of the East Devon Pebblebed Heaths and Exe Estuary Special Protection Areas. Article 3(1) of the GPDO grants planning permission for classes of development as set out in Schedule 2 subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. This provides that it is a condition of any planning permission granted by the GPDO that development which is a) likely to have a significant effect on a European site or offshore marine site, alone or in combination with other plans or projects and b) not directly connected with or necessary to the management of the

site, must not begin until the developer has received written notification of the approval of the local planning authority under Regulation 77. A Regulation 77 application may be submitted and determined separately to an application for prior approval and I have determined the appeal accordingly

Conclusion

17. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR