



Appeal Decision

Site visit made on 13 February 2025

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/X1355/W/24/3353192

Thorpe Field Barn, Thorpe, Barnard Castle DL12 9TW

- 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 Townley of Townley Estates UK Ltd against the decision of Durham County Council.
 - The application Ref is DM/24/01317/PN56.
 - The development proposed is conversion of the existing barn to a 3 bed residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been summarised which provides a more concise description from that on the application form.

Background and Main Issue

3. 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) (GPDO 2020), planning permission is granted for (a) change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with (b) building operations reasonably necessary to convert the building, subject to limitations and conditions.
4. Amendments to Schedule 2, Part 3, Class Q of the GPDO came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument. However, transitional arrangements allowed applicants to make an application for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020) until the end of 20 May 2025, in respect of development that would have been permitted under Class Q before 21 May 2024 but that would no longer be permitted under Class Q on and after this date. As the application was submitted on 17 May 2024, I have determined the appeal based on the previous provisions.
5. The Council refused the application under Part 3 Class Q.1(c) and (j) of the GPDO 2024 as the proposal would result in a dwellinghouse which exceeds 150 square metres; as well as the building not being considered capable of functioning as a dwelling and would consist of building operations beyond the extent reasonably necessary to convert to the function of a dwellinghouse. The Council also stated

that it would result in adverse harm to the special landscape qualities of an Area of Higher Landscape Value and a designated Historic Park and garden.

6. Therefore, the main issue is whether the proposed change of use would be permitted development under Class Q, in respect of whether it exceeds the size and whether it be permitted under Class Q(b) and the requirements of paragraph Q.1.(i).

Reasons

Size

7. Class Q.1 (b) (i) (bb) of the GPDO 2020 states that the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q must not exceed 465 square metres. However, the Council partly refused the application under the GPDO 2024, citing Part 3 Class Q.1(c), a dwellinghouse which exceeds 150 square metres.
8. However, as the application was submitted on 17 May 2024, it should have been determined under the provisions of the GPDO 2020. The submitted plans show that the existing building is 186.95 square metres, with the proposed dwelling being 245 square metres. Therefore, it would accord with Class Q.1 (b) (i) (bb) of the GPDO 2020.

Building operations

9. Class Q (b) permits building operations reasonably necessary to convert the building. Paragraph Q 1(i) restricts these to the installation or replacement of (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i).
10. The Planning Practice Guidance (PPG) advises that the permitted development right under Class Q, assumes that the agricultural building is capable of functioning as a dwelling, and that some building operations to enable the building to function as a dwelling house include those which would affect the external appearance of the building and would otherwise require planning permission. The PPG states that it is not the intention of the permitted development rights 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.
11. The appeal site is a steel portal framed barn, designed for agricultural use. It has outer walls partially covered with a patchwork of corrugated sheeting, although there is a gap on the northern elevation and an opening on the eastern elevation. The roof is covered with corrugated asbestos panels. I saw an earthen floor, scattered with some small stones.
12. The proposal seeks to convert the building to a 3-bedroom dwelling with a mezzanine level. The submitted structural report¹ was a visual inspection, with detailed measurements to assess structural capacity. The report describes the

¹ Graham Schofield Associates, 10 October 2023

principal structure as a steel frame on mass concrete 'pocket' foundations. This structure would support the existing asbestos cement profiled roof and thin gauge single skin galvanised wall cladding, which would be retained or repaired.

13. Whilst the report states that the structure has adequate capacity to support the proposed loading, it refers to a long-term build-up of corrosion to the frame. I saw some of the rusty metal uprights at the corners of the building. The structural report recommends the cleaning of steelwork and application of a rust conversion paint system. However, there is no evidence as to how paint would deal with existing corrosion to the uprights.
14. Three trial pits were dug to assess the underlying structure, which found concrete 'pocket' foundations, one of which I saw when I visited the site. The floor, which consists of compacted earth and some rough concrete, would be replaced with a new concrete raft on which a new timber frame structure would be constructed. This would support the new internal walls and a mezzanine floor.
15. Whilst the roof appears to be complete, the walls, particularly on the southern and northern elevations, are covered in part by a patchwork of small, individual, corrugated sheets tacked on to infill gaps in the sides of the building. They are not of a similar age and condition. The sheets do not reach down to floor level in several places and some of the panels have holes in them. Therefore, despite the application describing that the walls of the building would not be replaced or reclad, from what I saw, many of the panels could not be re-used or provide a satisfactory external appearance.
16. The existing openings would be utilised, with a minimal number of other windows proposed, mainly in the eastern elevation, with other windows inserted in the southern and northern elevations. However, there is no substantive evidence that the existing structure and panels would be able to support the insertion of windows and doors. Although the evidence states that the building is capable of being lined internally to provide a thermal envelope, there is limited evidence as to how this would be undertaken.
17. The appellants have drawn my attention to several appeal decisions² which relate to the conversion of agricultural buildings to dwellinghouses under Class Q where internal works were considered to not be development, and a case³ where the frames of a glasshouse were found to be capable of supporting a conversion to a house. Notwithstanding these cases, one of which I have no information available to me, the circumstances in each will be different. Whilst the site at The Greenhouse had external and internal structural elements, it would result in a freestanding structure that utilised parts of the external structure as individual rooms and spaces, which is not proposed in this appeal. Therefore, this is not directly comparable.
18. The Council considers that the building is not capable of functioning as a dwelling and the building operations would go beyond what is considered reasonably necessary to convert the barn to residential use. The *Hibbitt*⁴ judgment refers to the building being capable of conversion to a residential use without works that would be a complete or substantial re-build to the effect that it would result in the

² Ref APP/J0405/W/20/3258309 and APP/N1215/W/17/318230

³ Ref APP/W3330/W/21/3268761

⁴ *Hibbitt and Another v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

creation of a new building. This is a matter of planning judgement for the decision maker.

19. The structural report refers to the existing steel frame supporting the existing roof and wall cladding only. However, the existing structure is suffering from corrosion, and I am not persuaded that the full extent of that is known based on the limited substantive evidence within the structural report. Additionally, the existing cladding is of a piecemeal nature, and from what I saw, some of it would not be capable of being re-used. Therefore, whilst the building is not an open structure like the *Hibbitt* case which required the construction of four walls, it only comprises the steel portal frame and the cladding. It has no solid walls and no solid floor. It is, therefore, a lightweight structure which is not water or weatherproof.
20. The individual elements proposed, such as the installation of windows and doors is permissible, and some of the works are internal and are therefore not development requiring planning permission. However, for the building to function as a dwellinghouse, a raft foundation is required, as well as an internal timber structure to support the internal walls and the construction of the mezzanine. These elements considered individually may be within the scope of works permitted under paragraph Q.1 (i). However, cumulatively, the amount of works proposed would result in a re-build of what is essentially a steel frame and cladding, even though the appellants consider that the external appearance would not be significantly different.
21. Consequently, I have found that the building is not suitable for conversion as substantial works would be required to create a habitable dwelling. The extent of these works would go beyond what is reasonably necessary to convert the building to a dwelling.
22. Therefore, I conclude that whilst the proposal would accord with the size in Class Q.1 (b) (i) (bb) of the GPDO 2020, it would not be limited to building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b). Consequently, it would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

23. Although the Council refer in their refusal reason to the harm to the special landscape qualities of the Area of Higher Landscape Value and a designated Historic Park and Garden, based on my findings above, it is not necessary to consider these matters.

Conclusion

24. For the reasons given above, the appeal is dismissed.

M J Francis

INSPECTOR