



Appeal Decision

Site visit made on 24 June 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/E2001/W/25/3363833

Low Cowlam Farm, Cowlam, Driffield YO25 3AD

- 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 Joe Robinson against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/03594/AGRNOT.
 - The development proposed is the change of use of agricultural building to form a dwelling with associated building operations.
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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 the change of use of agricultural building to form a dwelling with associated building operations at Low Cowlam Farm, Cowlam, Driffield YO25 3AD in accordance with the terms of the application, Ref 24/03594/AGRNOT and the details submitted with it, including drawing no's ROB.696.39; ROB.696.42; ROB.696.43; ROB.696.44 and ROB.696.45, and subject to the conditions in the attached schedule at the end of this decision.

Preliminary Matters

2. I have used the description of development as specified on the Council's notice of decision in the banner heading and decision above, in the interests of clarity.
3. The Council made its decision on 27 January 2025. On 21 May 2024, Statutory Instrument 2024 No.579 came into force amending Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The transitional arrangements set out in Article 10 of the Order clarify that the amendments do not have to apply in relation to previously permitted development under Class Q of the GPDO in respect of which an application for a determination as to prior approval is made before 21 May 2025. The appellant has requested that the application be determined under the earlier Class Q provisions, and I have proceeded on this basis.
4. The Planning Practice Guidance (PPG) states that permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is effectively a two-stage process where it is necessary in the first instance to determine whether the proposal is permitted development.

5. The appellant has referred to an error within the Council's report, that referred to a structural survey saying the existing frame of the building was not suitable for the proposed new loading or any new structural elements, including there being insufficient information regarding the proposed floor, and that finished floor levels would need to be raised to comply with a Flood Risk Assessment. The Council has confirmed that the inclusion of this within its report was an error and those comments do not apply to this proposed development, the appeal has been determined on this basis.

Background and Main Issues

6. Class Q(a) Sch. 2, Part 3, of the GPDO permits development consisting of 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 (dwellinghouse) of the Schedule to the Use Classes Order, and Class Q(b) permits the same change of use and building operations which are reasonably necessary to enable the conversion of the building. This is subject to limitations and conditions as set out in paragraph Q.1 and Q.2 of Class Q.
7. In this case the application relates to the change of use of the building together with building operations. The Council contends that the development is not permitted development under Class Q(b) because it considers the scale of the building works exceeds what would be reasonable and necessary to enable the building to function as a dwelling.
8. Although not a reason for refusal on the notice of decision, and despite the Council saying in one part of its report that the design of the building has tried to retain its agricultural character, which it considered to be acceptable. It has, however, also said in another part of its report it has identified harm in respect of the prior approval matter of the design or external appearance of the building, pursuant to Q.2 (1) (f) of Class Q Sch. 2, Part 3 of the GPDO.
9. Accordingly, the main issues are:
 - Whether the proposal would consist of building operations that exceed those permitted as reasonably necessary to facilitate the change of use of the building to a dwellinghouse, and as such whether the proposal falls within the scope of a conversion; and if so,
 - Whether the conversion works to the building are acceptable in terms of their design or external appearance.

Reasons

10. The appeal relates to an agricultural building that has a steel portal frame, with a fibre cement sheeted roof attached to timber purlins which sit across the building's frame. Its rear side has concrete panels with Yorkshire boarding above, which are attached onto horizontal timber rails that are fixed onto the steel stanchions. Its sides and part of its front elevation are clad in corrugated metal sheeting that is fixed to horizontal timber rails, which in turn are attached to the stanchions. Some of this metal cladding has been patched in part. There is also a large opening from floor to eaves level on its front side, and the building has a compacted hardcore floor. In this case and notwithstanding the small gaps between the Yorkshire

boarding, the building cannot be regarded as skeletal given its sides are substantially infilled.

11. To benefit from the permitted development in Class Q Sch. 2, Part 3 of the GPDO, it is assumed that the agricultural building is capable of functioning as a dwelling. Although building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission are permitted, which include 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. It is not the intention of the permitted development 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.
12. What may constitute 'reasonably necessary' is not defined in either the GPDO or PPG. However, it is established caselaw¹ that the building must be capable of conversion to residential use without operations amounting to a complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Whether the extent of work required would comprise conversion or rebuild is therefore a matter of planning judgement.
13. Although internal works are not expressly referred to within Class Q Sch. 2, Part 3 of the GPDO, the PPG² states internal works are not generally development and recognises for a building to function as a dwelling, it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls. It is also noted that section 55 (2) (a) of The Town & Country Planning Act 1990 (as amended) (the Act) also says that works which affect only the interior of the building, or do not materially affect the external appearance of the building are not development of land.
14. The existing agricultural building would be retained in terms of its overall form and scale. The appellant has submitted a structural report³ which identifies that the building is structurally sound and can form the basis of the conversion with the structural frame and steel stanchions being of a suitable size and condition to support the building operations proposed. Although the report does say that some bracing and stability for the existing structure could be considered as part of the conversion, it does add that the existing structure should be capable of taking the additional loadings at present. I have no reason to disagree with its conclusions, and taking it into account, along with my own site observations, concur that the building would be suitable for a conversion to a dwelling.
15. The proposal would introduce a suspended ventilated floor constructed above the existing compacted hardcore floor, internal insulation and an internal timber frame that would be attached to the inside of the external walls, along with a mezzanine floor to create first floor accommodation within the building envelope. The proposal would utilise the existing steel frame and roof structure, and based on the

¹ Hibbitt v SSCLG [2016] EWHC 2853 (Admin)

² Planning Practice Guidance: Paragraph: 105 Reference ID: 13-105-20180615

³ Report by McGregor Lang Limited, dated 10 May 2024

evidence before me, these proposed internal works to the building would not be necessary to support the existing structure and they would also not be regarded as development in accordance with the Act and the PPG (as outlined above).

16. Externally, there would be alterations to the building including the insertion of windows and doors. The existing open bay would mostly be infilled with fenestration. The existing Yorkshire boarding would also be retained and made weatherproof with new internal material and insulation behind it. The proposal would also see re-painting and localised areas of repair of the corrugated metal cladding. Accordingly, I find these external changes are not substantial and are limited to those which are reasonably necessary to convert the building to a dwelling. In addition, the proposed works, both internally and externally, to convert the building would neither represent a fresh new build nor a rebuilding of the existing structure in this case.
17. The Council has referred to prior approval applications at Kiln House, Kiln House Lane, Tunstall, and Land Northeast of Howes Farm that were said to have been dismissed on appeal for amongst other reasons, the level of works going beyond the scope of operations permitted by Class Q. On reviewing the limited information provided on these examples, I cannot be certain that they are entirely comparable to the appeal scheme. I therefore attach limited weight to them, and they have not led me to conclude differently regarding the appeal proposal.
18. In conclusion the building operations would be reasonably necessary to convert the agricultural building to a dwelling and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. Accordingly, this part of the proposal would constitute permitted development as set out under Sch. 2, Part 3, Class Q (b) of the GPDO.

Design or external appearance of the building

19. Paragraph Q.2 (1) of Class Q Sch. 2, Part 3 of the GPDO requires the proposal be subject to conditions in respect of prior approval matters. One such prior approval matter contained in paragraph (f) is the design or external appearance of the building. Paragraph W(10)(b) of Sch. 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application.
20. The building in question is a modern and functional agricultural building, which the Council say does not positively contribute to the character and appearance of the area. Externally it would retain its concrete sheeted roof, and externally clad sides. New openings would be formed within part of one elevation that is currently open and within the sides of the building. The new openings are simple and uncomplicated in their design and include larger areas of glazing across the open part, reflecting the utilitarian design of the building. Moreover, the existing cladding would be re-painted and the parts that are in a poor condition, replaced by other parts that are to be removed to make way for new openings. On the whole, there would be an improvement to its current external appearance and the design of the conversion would provide high quality accommodation.
21. The Council says the building as converted would remain as a bulky building, and the same size as it currently is. Be that as it may, its conversion would be consistent with the relevant part of the GPDO. Furthermore, there is no

requirement for any such conversion to be of any significant architectural and historic value.

22. The agricultural building is on the opposite side of the road to the main farmstead, it is accessed through a wooded area, and the planting it has to all of its sides largely screen it from public vantage points. Whilst there would be some glimpsed views from the road through a small gap in the planting, this would mainly be of the unaltered rear side of the building and would most likely be seen from vehicles travelling along the mainly single-track road, that I saw on my site inspection had low traffic movements. Consequently, and in view of my findings above regarding the proposed external alterations to the building, the design and external appearance of the proposed conversion would not be harmful to the character and appearance of the area.
23. The Council has referred to conflict with paragraph 84 c) of the Framework, that permits the re-use of redundant or disused buildings which enhance the immediate setting. The GPDO grants planning permission for the change of use in this case subject to conditions, as such the principle of the proposed use should not on this prior approval matter be a determining factor. Furthermore, in view of my findings above, in this case the conversion of the building would represent an enhancement to its current appearance.
24. I therefore conclude that the design and external appearance of the building would be acceptable, and the proposal would comply with Paragraph Q.2. (1)(f) of Class Q Sch. 2, Part 3 of the GPDO. Whilst not determinative, the proposal would also be consistent with paragraph 135 of the Framework insofar as it requires new development to add to the overall quality of an area, be visually attractive and sympathetic to local character, including landscape settings.

Other Matters

25. Both parties have referred to whether the proposed development would comply with Policy S4 of the Local Plan. I do not have a copy of that policy before me, nevertheless, consideration of the development plan is not a requirement on such prior approval applications, and whether the location and siting of the building would be acceptable is not a disputed matter between the parties, and I see no reason to disagree. As such it has not been necessary for me to assess this further.
26. The conditions set out in paragraph Q.2 (1) of Class Q Sch. 2, Part 3 of the GDPO also relate to certain other prior approval matters of the proposed development, including transport and highways, noise, contamination, flooding, and the provision of adequate light in all habitable rooms. 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 limitations and conditions within Class Q Sch. 2 Part 3 of the GDPO, subject to conditions, which I will deal with below.
27. I note the comments raised regarding the Council's handling of the application and other Class Q prior approval applications; however, this is beyond my consideration of this prior approval application.

Conditions

28. In accordance with Condition Q.2(3) of Class Q, Sch. 2, Part 3 of the GPDO, the approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision. Paragraph W (12) of Sch. 2 Part 3 of the GPDO requires the development to be carried out in accordance with the approved details. Therefore, it is not necessary to repeat these requirements as conditions.
29. Paragraph W (13) of Sch. 2, Part 3, of the GDPO sets out that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. A condition is necessary to ensure that any contamination is satisfactorily remediated to protect the living conditions of future occupiers. To ensure satisfactory foul and surface water drainage is provided for future occupants a condition is necessary to prevent harmful environmental effects and to provide satisfactory living conditions for future occupiers. In addition, to ensure that the parking areas are formed and remain available in perpetuity, a condition is also necessary.

Conclusion

30. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) Prior to the occupation of the dwelling hereby approved, foul and surface water drainage shall have been fully installed in accordance with details that shall have first been submitted to and approved in writing with the local planning authority. The foul water and surface water drainage shall thereafter be managed and maintained in accordance with the approved details.
- 2) In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority and an appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by a competent person(s) and submitted to and approved in writing by the local planning authority prior to the implementation of any such remediation. Following completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby approved.
- 3) The vehicle parking facilities as shown on drawing no. ROB.696.44 (existing and proposed site plans) shall be made available prior to the occupation of the dwelling hereby approved and thereafter retained at all times and not used for any other purpose.

End of Schedule of Conditions