



Appeal Decision

Site visit made on 21 July 2025

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2025

Appeal Ref: APP/L1765/X/23/3335091

Ladycroft Farm, Ladycroft, ALRESFORD, SO24 0QP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr F. Castle against the decision of Winchester City Council.
 - The application ref 23/01377/LDP, dated 7 June 2023, was refused by notice dated 9 August 2023.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is change of use of an agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Background to the Appeal

2. The appellant originally made a prior approval application under Part 3 Class Q for the conversion of a barn to a dwelling in 2022¹ which was refused in February 2023. The Council accept that their refusal came 2 days after the 56 days allowed and therefore their prior approval is not required for that proposal. However, the appellant decided to revise the proposal slightly and submitted an LDC application to determine whether the new proposal would be lawful under Class Q. This was also refused and is subject to this appeal.
3. Both refusals were for the same reason that the amount of rebuilding was so extensive that it took the proposal outside the ambit of Class Q altogether. I should note here that the Council are correct that if that is the case, despite their failure to determine the original application in 56 days that proposal cannot be carried out if it is not also permitted development. This is a separate question to whether prior approval is required. A grant of prior approval does not touch on the question of whether the proposal is permitted development or not. The Council are not required to consider this wider question, but in this case chose to do so and their view was the proposal was not permitted development so the prior approval was irrelevant.
4. It is thus sensible to now pose the wider question as to whether the proposal before me would be lawful when considering all aspects of Class Q before considering the separate issue of prior approval. In that context it is not unreasonable for the Council to now add another reason for refusal concerning another issue with Class Q eligibility as a whole, that the site was not last used for agriculture. Thus the appeal turns on whether the works required to convert the

¹ 22/02837/PNACOU

building into a dwelling fall within Q(c), in particular whether the building operations are reasonably necessary to convert the barn into a dwelling and whether the barn was last used for agricultural purposes.

Reasons

5. The wording of Class Q is somewhat obscure, but the PPG states that *“the right assumes that the agricultural building is capable of functioning as a dwelling”*, although it goes on to say this includes works to install or replace the windows, doors, roofs and walls, it further adds the works must be *“reasonably necessary for the building to function as a dwellinghouse”*. But finally it says *“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”*.
6. I take it from this that while all the aspects of the barn can be replaced (windows, doors, walls and roof), if they all need replacing at the same time then the barn would not have been suitable for conversion in the first place. In this case a consultant’s report confirms the structure is sound and the planned works can be carried out without *“reconstruction of the main structural elements of the building”*.
7. The barn consists of a steel frame and wooden purlins supporting a fibre roof and corrugated metal sheeting above a single skin block wall. Although the plans show the external surfaces to be made of *“existing timber cladding”* there is no timber cladding. Essentially therefore apart from the steel frame and the low block walls everything else will be new. I do not think that would suggest the barn has been converted but has essentially been rebuilt.
8. This is very much the message of the courts in Hibbitt² which is mentioned by both parties. In Hibbitt the court held the Inspector had not misdirected herself and her analysis was correct. She found the barn was structurally capable of being converted but that all four exterior walls needed to be replaced which went far beyond a conversion. In this appeal the works are even more extensive. The existing building is not therefore suitable for conversion, as required by the PPG as almost all the inside and outside will be new.
9. The appellant says the barn was last used as an agricultural building up to 20th March 2013. At that date it was used for the storage of agricultural machinery and hay and was part of an established agricultural unit with a holding number of 15/321/8000. The Council do not think this is sufficient to demonstrate the last use was agricultural, but the appellant points out that without any counter evidence there is no reason to disbelieve their assertion. However, a third party, who lives nearby, suggests the last use of the land was actually for stabling and grazing of horses for recreational purposes and the agricultural lease was surrendered back to the Tichborne Estate (the then owners) in 2000, long before the appellant purchased it. Given this, then without further evidence I cannot be sure, on the balance of probability, that the last use was agricultural.

² Hibbitt and another v SSCLG [2016] EWHC 2853 (Admin)

Conclusion

10. For both the reasons outlined above I consider the proposal falls outside the requirements of Part Q (although either on their own would be fatal), and so the conversion of the barn for residential purposes would not be lawful.

Simon Hand

INSPECTOR