



Appeal Decision

Site visit made on 3 June 2025

by N Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Y2003/W/24/3356451

Barn North of Ewsters Farm, South Ewster, Scunthorpe DN17 3JX

- 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 and Mrs D Pettinger against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/390.
 - The development proposed is change of use of an agricultural building to dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not include a description of development. Therefore, the description of development in the banner heading above is taken from the Council's decision notice.
3. On the 21st May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force. It made revisions to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The application that is the subject of this appeal was determined on 15th October 2024. However, there are transitional provisions set out under 2024/579 Article 10 of the amending Order. The views of the parties were sought to clarify how the transitional arrangements should apply in this case. However, responses were not forthcoming.
4. Nevertheless, it is reasonably clear that the Council made their decision against the former version of Class Q whereas the appellants cite the amended Class Q. As the appellants seek to rely on the amended version of Class Q, I have determined the appeal on that basis.

Background and Main Issue

5. Under Article 3(1), Schedule 2, Part 3, Class Q (a) of the GPDO, development is permitted to change the use of agricultural buildings to Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to such use (Class Q (c)), subject to certain limitations and conditions.
6. The Council's sole reason for refusal is on the basis of concerns about the structure of the existing building and that the extent of works required to function

as a dwelling would go beyond what is reasonably necessary to convert the building to a residential use. The Council's supporting evidence also states that the proposed works would amount to a rebuild rather than a conversion. In this context, it is clear that the reference to Class Q(b) in the reason for refusal relates to the former rather than the amended version of Class Q.

7. Therefore, the main issue is whether proposed building operations are reasonably necessary to convert the building to a dwellinghouse, such that it would constitute permitted development under Class Q, having regard to whether or not the scheme would constitute a conversion.

Reasons

8. The appeal building is a modern steel portal framed building clad on the north facing elevation and both gable ends with box section pressed steel sheets. There are no existing openings along these sides of the building. The south facing elevation of the barn is largely open sided with just a downstand of the same sheeting. The barn has a part slab concrete floor, and the roof covering is fibre cement boarding. The barn is sited at the northernmost end of a group of traditional brick barns, in open countryside.
9. Class Q1 of the GPDO sets out limitations on the building operations, including under part (j). Effectively development other than- (i) 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 these building operations is not permitted.
10. Paragraph 105 Reference ID: 13-105-201806015 of the Planning Practice Guidance (the PPG) advises that the right under Class Q permits 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. The PPG sets out that 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. It confirms that internal works are not generally development, and so for example, an internal mezzanine, upper floors and internal walls are not prohibited by Class Q. Nevertheless, it is only where the existing building is already suitable for conversion to residential use and capable of functioning as a dwelling, that the building would be considered to have the permitted development right.
11. GPDO and the PPG do not define the term 'reasonably necessary'. Therefore, this is a matter of planning judgement based on fact and degree of an individual case. Both parties refer to the Hibbitt¹ judgement, which considered the difference between conversions and rebuilding. The findings therein are of relevance to the appeal proposal. Even though specific works might individually fall within the remit of Class Q(j) or constitute internal works, the cumulative extent of works is a relevant consideration when determining what is reasonably necessary.

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

12. In this case, there is a skeletal frame, which does not have a full floorplate, or loadbearing walls. Evidence provided by a structural engineer identifies the need for a new structure within the existing frame and explains that it would be “a building within a building”, in order to prevent additional loads from being applied to the existing frame. Further works proposed include constructing new blockwork loadbearing walls based on a new raft foundation, which would support the loadbearing walls and the first floor. Whilst I note that the existing pad foundations are considered to be sufficient to support the current structure, the evidence explains that the proposed works are necessary to ensure the stability and safety of the building. Windows would be installed, and a recessed balcony area created. A ceiling would be suspended from the existing steel frame. Whilst the existing roof covering would be retained, the metal sheeting cladding the sides of the building would be replaced with Plastisol coated box section sheeting. Most of the currently open southern elevation would need to be infilled with new material.
13. Cumulatively, these amount to extensive works and would introduce considerable new built fabric. It remains doubtful that in the absence of such extensive works that the structure is capable of supporting the load necessary to form a residential dwelling.
14. Based on the above factors, I find the works required in this case would be so extensive so as to not constitute a conversion. As such, the scheme would amount to a rebuild, or a fresh building in the terms of Hibbitt. Consequently, the scheme would not meet with the requirement of Class Q that the building be converted, and, therefore, the proposal would not constitute permitted development. It follows that, as the scheme falls at this first hurdle, there is no need to go on and consider the limitations and requirements in section Q1 of Class Q.
15. For the above reasons, the proposed works to the existing structure would not constitute a conversion and therefore the scheme would not meet with the requirements of permitted development as set out in Class Q. I am satisfied that even if I had assessed the appeal against the former version of Class Q, my findings on this main issue would have been similar.

Other Matters

16. I have been referred to various appeal decisions, whereby the Inspectors came to different conclusions having regard to the particular facts and degree of those individual Class Q cases. While there are some similarities between the various proposals, the evidence provided does not allow me to fully compare such with the appeal proposal. Furthermore, such examples relate to different buildings, with different levels of works involved, and/or structural survey information provided. Hence, they do not lead me to find otherwise on the appeal proposal.
17. The appellants have referred to cases where the Council have granted prior approval for conversion of agricultural buildings in the absence of structural reports. They contend that the Council’s decision making on the case that is the subject of this appeal, is inconsistent with these previous decisions. It is not clearly demonstrated that any of those examples are directly comparable and, given the unique nature of land and built form, that would be unlikely. Moreover, I am required to make my determination within the constraints of the GPDO. For similar reasons the general support given by West Butterwick Parish Council to the proposal does not lead me to a different judgement on the central issue.

Conclusion

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

N Kempton

INSPECTOR