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## Appeal Decision

Site visit made on 22 July 2025

by **E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

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**Appeal Ref: APP/X2220/W/25/3362043**

**Agricultural Building To East Of Cop Street, Upper Goldstone Farm, Cop Street Road, Ash CT3 2DN**

- 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 D Duske against the decision of Dover District Council.
  - The application Ref is 24/01157.
  - The development proposed is a change of use and conversion to a dwelling.
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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 a change of use and conversion to a dwelling at Agricultural Building to East of Cop Street, Upper Goldstone Farm, Cop Street Road, Ash CT3 2DN in accordance with the application 24/01157 and the details submitted with it including plan nos 462\_01, 462\_02, 462\_03, 462\_04 and 462\_05.

### Applications for costs

2. An application for costs was made by D Duske against Dover District Council. This application is the subject of a separate decision.

### Preliminary Matters

3. From 6 April 2018 to 21 May 2024, 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), development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
4. Any prior approval application or appeal which was made before 21 May 2024 in respect of the 'old' Class Q should be determined on that basis. Similarly, given transitional arrangements set out under Article 10 of the amending Order, any prior approval application made before 21 May 2025 in respect of the old Class Q should be decided on the basis of what was previously permitted. This is the case in this instance and therefore the appeal will be determined on this basis.
5. The Council may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient

information to enable the Council to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

### **Main Issue**

6. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular reference to the extent of the proposed building operations.

### **Reasons**

7. The Council contend that the proposed development would not comply with Class Q(b) of the GPDO which states that the development permitted under this class is development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
8. They also consider it would conflict with Class Q.1(i) which states that development is not permitted where the development under Class Q(b) would consist of building operations 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) the partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
9. The Planning Practice Guidance (PPG) states that the right 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. This includes 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 house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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
10. The appellant has confirmed that the building operations to be undertaken include a new brick built exterior wall on the northern elevation, two new windows within the existing brick wall on the eastern elevation, the repair of the existing timber posts on the eastern elevation and the installation of full height floor to ceiling glazed windows and a timber clad exterior wall on the eastern elevation behind the existing timber posts. The existing roof covering would also need to be removed and replaced. This is demonstrated on the submitted plans. Although not specifically mentioned, it also seems likely that the installation of services to the building would also be necessary. All these works would fall under those listed as permitted under Class Q.1(i) of the GPDO and within the PPG.
11. It was held in *Hibbitt v SSCLG [2016] EWHC 2853* that the building must be capable of conversion to residential use without operations amounting to complete

or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.

12. The proposed conversion to a dwelling would retain the existing brick walls, ground floor slabs, roof timbers and timber posts on the eastern elevation, as outlined by the appellant and within the structural report submitted as part of the application. Whilst some relatively significant works to the building are proposed, these are all permitted under the GPDO. Furthermore, due to the retention of much of the existing building, the appeal building would be capable of conversion to residential use and the proposed building operations would not amount to the complete or substantial re-building of the pre-existing structure, as was found to be the case within Hibbitt.
13. The operations involved in excavating, installing or strengthening (underpinning) of foundations are excluded from those permitted under paragraph Q.1(i). The appellant has confirmed that such works are not necessary. I am therefore satisfied that the proposed works are reasonably necessary to convert the building to a dwelling and the proposal would not conflict with Class Q(b).
14. Therefore, based on the evidence provided, I am satisfied that the building operations proposed would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. As such, the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

### **Conditions**

15. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. Paragraph W(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details submitted and I have listed the submitted plans in my decision.
16. Paragraph W(13), Schedule 2, Part 3 of the GPDO 2015 allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. However, none have been suggested by the Council and I do not consider that any are necessary to make the development acceptable in this instance.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted under Schedule 2, Part 3, Class Q of the GPDO.

*E Grierson*

INSPECTOR