



Appeal Decision

Site visit made on 21 July 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 August 2025

Appeal Ref: APP/J1860/W/25/3366176

Hill Top Farm, Rochford Tenbury Wells, WR15 8SR

- 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 Philip Ralph against the decision of Malvern Hills District Council.
 - The application Ref is M/25/00304/GPDQ.
 - The development proposed is proposed change of use of an agricultural barn to 4 no. dwellinghouses and building operations reasonably necessary for the conversion.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for proposed change of use of an agricultural barn to 4 no. dwellinghouses and building operations reasonably necessary for the conversion at Hill Top Farm, Rochford, Tenbury Wells WR15 8SR in accordance with the application Ref M/25/00304/GPDQ and details submitted with it including the following plans 4659BP-01 FINAL; 4659A-01 FINAL; 4659B-01 FINAL and 4659C-01 FINAL, subject to the conditions in the attached schedule.

Preliminary Matters

2. From 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, which made changes to Schedule 2, Part 3 Class Q of the GPDO. Transitional arrangements are set out under Article 10 of the amending Order. Where development is permitted by Class Q immediately before 21 May 2024, but not on or after that date, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025.
3. The application form accompanying this appeal confirms that the application was made with the intention to use the permitted development right as it stood prior to 21 May 2024. As such, I have considered the appeal against Schedule 2, Part 3, Class Q of the GPDO as it stood prior to 21 May 2024.
4. The Location and Block Plan¹ shows, within a red line, the extent of the curtilage relating to the agricultural building subject to the change of use. This includes land immediately beside the agricultural building. There is no dispute between the parties that the indicated curtilage would comply with the definition of curtilage set

¹ Reference: 4659BP-01 FINAL

out at Paragraph X of Schedule 2, Part 3 of the GPDO. From the evidence before me and my observations on site, I can find no reason to disagree.

5. The Location and Block Plan also indicates the removal of 3 other agricultural structures adjacent to the appeal property, including 2 steel framed buildings and a silage clamp. The steel framed building furthest from the appeal property is outside the identified curtilage and there is no dispute between the parties that the demolition of this building would not be necessary to convert the appeal property to dwellinghouses. Although a small section of the silage clamp is within the identified curtilage, again, there is no dispute between the parties that the demolition of the silage clamp would not be necessary to convert the appeal property to dwellinghouses. From the evidence before me and my observations on site, I can find no reason to disagree.
6. The demolition of these buildings therefore falls outside the remit of the prior approval procedure, and I am unable to grant approval for these works. As such, the demolition of these structures does not form part of the prior approval subject of this appeal. I have determined the appeal on this basis.

Background and Main Issue

7. Class Q(a) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as it stood prior to 21 May 2024 (previous GPDO), permits 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) of Schedule 1 to the Use Classes Order².
8. Class Q(b) of Schedule 2, Part 3 of the previous GPDO permits 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.
9. Paragraph Q.1 of Schedule 2, Part 3 of the previous GPDO sets out the circumstances when development would not be permitted by Class Q. Of these, the Council cites the proposal as not satisfying the requirements set out in paragraph Q.1(i)(ii) relating to the extent of demolition necessary to carry out building operations allowed by paragraph Q.1(i)(i).
10. The main issue in this appeal is therefore whether the proposed development would be permitted under Schedule 2, Part 3, Class Q of the previous GPDO, with particular regard to whether the proposed development would satisfy the requirements of paragraph Q1(i)(ii), that is whether it would consist of building operations other than partial demolition to the extent necessary to carry out the building operations allowed by paragraph Q1.1(i)(i).

Reasons

11. The Council's officer report refers to a roofless, steel framed building immediately adjacent to the east of the appeal property. However, from my observations on site, there was little tangible evidence of a steel framed building in this location.
12. Immediately adjacent and attached at one end to the east elevation of the appeal property are two metal gates. The other ends of these gates are supported by the

² Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended)

silage clamp and a steel post forming one end of a low concrete wall. It is not readily apparent whether this wall previously formed part of the boundary wall of the steel framed building in this location. There are no other sections of wall or steel frame in this location, other than those associated with the appeal property, silage clamp and other steel framed building.

13. From the evidence before me and my observations on site, the gates would need to be removed or repositioned to allow for the installation of a window and set of doors proposed in the east elevation of the appeal property. These minor works would be reasonably necessary to carry out the building operations to convert the building. No other structures would need to be removed.
14. Nevertheless, despite being indicated on the submitted plans, on the basis of how the appeal site appeared on my visit, I am of the view that there is no steel framed building to be demolished in this location.
15. In any event, even if there was a building, there is no dispute between the parties that its removal would be reasonably necessary to carry out the proposed building operations within the eastern elevation of the appeal property.
16. Accordingly, from the evidence before me and my observations on site, for the reasons above, the proposal would satisfy the requirements of paragraph Q1(i)(ii) of Schedule 2, Part 3 of the previous GPDO.

Conditions

17. Paragraph Q.2(3) of Schedule 2, Part 3 of the previous GPDO sets out that Development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. It is therefore not necessary or reasonable to impose a separate time limit condition.
18. Paragraph W.(12) of Schedule 2, Part 3 of the GPDO requires the development, where prior approval is required, to be carried out in accordance with the approved details. A condition specifying the plans that are approved, and that the development shall be undertaken in accordance with them, is therefore also not necessary in this case.
19. Paragraph W.(13) of Schedule 2, Part 3 of the GPDO allows for the imposition of conditions reasonably related to the subject matter of the prior approval. In addition to the suggested plans condition, the Council has suggested a further 6 conditions be imposed on any grant of prior approval, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
20. To protect the character and appearance of the area and ensure the design of the proposed development is of a high-quality, a condition requiring details of the external materials to be approved by the local planning authority is necessary.
21. In the interests of highway safety, it is necessary to impose a condition requiring the provision of the vehicular parking spaces in accordance with details approved by the Local Planning Authority.

22. To promote the use of sustainable transport modes, a condition requiring the provision of secure parking for bicycles in accordance with details approved by the Local Planning Authority is also necessary.
23. A condition relating to unexpected contamination is necessary to ensure that there is no risk to the future occupiers of the proposed dwellings in this respect.
24. To protect biodiversity, including protected species, a condition requiring the development to be carried out in accordance with the recommendations set out in the Baseline Ecological Survey is necessary. As is a condition requiring the provision of the recommended bat boxes, nest boxes, swallow cups and small overhang for nesting swallows in accordance with details approved by the Local Planning Authority.

Conclusion

25. For the reasons set out above, I conclude that the appeal is allowed, and prior approval is granted.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Any contamination that is found during the course of undertaking the building operations approved as part of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 2) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Baseline Ecological Survey, Barn Conversion – Hill Top Farm, Rochford – Tenbury Wells, dated November 2024, prepared by Elizabeth McKay B.A.(Hons) MCIEEM CEnv, Consultant Ecologist.
- 3) Prior to their installation as part of the development hereby permitted, details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.
- 4) Prior to first occupation of the development hereby permitted, vehicle parking spaces shall have been constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the approved parking spaces shall be maintained, available at all times for the parking of vehicles.
- 5) Prior to first occupation of the development hereby permitted, secure parking for bicycles shall have been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the approved parking shall be maintained, available at all times for the parking of bicycles.
- 6) Prior to first occupation of the development hereby permitted, the bat boxes, nest boxes, swallow cup and small overhang for nesting swallows recommended in the Ecological Survey shall have been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the approved boxes, cups and overhang shall be maintained.