
Appeal Decision

Site visit made on 5 August 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/U2750/W/25/3367087

Land West of The Hayloft, Main Street, Newton Kyme, North Yorkshire LS24 9LS

- 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 Graham Cornforth, R & G Cornforth against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0317/ATD.
 - The development proposed is the change of use of 1 agricultural storage building to the west of The Hayloft Newton Kyme to 1 residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 21 May 2024, Statutory Instrument 2024 No 579 (SI No 579) came into force amending Class Q of Part 3 of the General Permitted Development Order (the GPDO). Transitional arrangements were however put in place which are applicable to the consideration of this proposal. This means that Class Q as it was prior to the introduction of SI No 579 is the basis for the determination of this appeal.
3. The appellant submitted an amended proposed site plan (amended plan) with the appeal that was not before the Council at the time of its decision. The amended plan reduces the red line site boundary in response to a concern over curtilage. It does not result in procedural unfairness because of the consultation that the Council is obliged to carry out during the appeal which affords interested parties the opportunity to comment. Nor does it amount to a substantial difference or a fundamental change because a consideration of curtilage is not in any event restricted to a red line site boundary and a decision-maker is entitled to define a different curtilage in its decision. Accordingly, there is no prejudice in my consideration of the amended plan and so I have considered it in my decision.

Background and Main Issues

4. Article 3 (1) together with Class Q. (a) of Schedule 2, Part 3 of the GPDO permit the change of use of an agricultural building and land within its curtilage to a residential use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended). Class Q. (b) permits the building operations reasonably necessary to convert the building to that use. There are however a number of limitations on this permitted development right. Two such limitations are in dispute between the main parties and which led the

Council to not grant permission for the application. These centre on the building operations proposed and the curtilage of the building in question.

5. The Council has referred to where Q.1 sets out that the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres (sqm), and where Class Q.1 (i) (ii) refers to the partial demolition to the extent reasonably necessary to carry out building operations that are allowed. The Council consider that as the building operations would include partial demolition so that the proposed floorspace would meet the 465 sqm limit, then it cannot be deemed to be reasonably necessary to convert the building to that use. On the other hand, the appellant is of the view that the partial demolition is reasonably necessary precisely because it enables the limit to be met so that the building can be converted.
6. The change of use permitted under Class Q also encompasses land within the curtilage of the building. Curtilage is defined by paragraph X of Schedule 2 (Part 3) of the GPDO as (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. The Council consider this limitation is not met due to the size of the land shown within the red line site boundary, principally due to an area of hardstanding. The appellant considers that not all of this area should be deemed curtilage and submitted the amended plan to clarify this matter.
7. On the basis of the above, the main issues are whether the proposal would be permitted under Schedule 2, Part 3, Class Q. (b) and Q.1. (i) (ii) of the GPDO with regard to the building operations reasonably necessary to convert the building and; paragraph X of Schedule 2 by way of its curtilage. The GPDO references in these main issues are those found in the Council's reasons for refusal, and so are in dispute.

Reasons

Building operations reasonably necessary to convert the building

8. The appeal property comprises a steel framed clad structure with a roller shutter door entrance. There is an area of hardstanding to the front and which provides access onto Main Street. An access track also joins the hardstanding that provides access to land outside of the site boundary. Beyond, is a large agricultural building. On the opposite side and to the rear is a large field. The small village of Newton Kyme lies close-by.
9. It is not in dispute that if the existing floorspace of the building was to be converted that it would not be permitted development because the 465 sqm threshold under Q.1 would be exceeded. While the front part of the building that would be removed has a similar appearance to the rest of the building, it forms a separate bay steel structure that was an addition to the original building, according to the appellant. However, the structural report that was submitted with the application gives no indication that this part of the building is unsound and so would need to be removed.

10. While the Planning Practice Guidance¹ reiterates that certain building works are allowed under the permitted development right, the proposal due to the nature of the partial demolition works would not reasonably amount to a conversion under Part Q. It would not serve such a purpose because those works are not reasonably necessary to convert the building into a dwellinghouse. Based on the evidence before me, the building could ably be converted without those works.
11. If the partial demolition works were to proceed simply so that the proposal did not breach the floorspace threshold under Q.1, it would amount to a contrivance of the GPDO so that a development could go ahead. The partial demolition works would not amount to a rebuild, but nevertheless this does not address that the rationale in this regard does not relate to building operations necessary to convert the building. Whilst clearly elements can be removed from structures to aid a conversion, this must sensibly relate to the conversion itself rather than wishing to proceed along a particular consenting route.
12. I have also been referred to an appeal decision² where the works involved were more extensive because they were necessary to the extent that was required for the building to function as dwellinghouses. This is not the case before me because there is not the same compelling evidence that the building could not function as such a dwelling unless the partial demolition occurs. This is notwithstanding that the appeal decision does not concern the same site and that in any event the determination of such a case rests on the specific facts of the proposal and the related application of the limitations set out in the GPDO.
13. The same applies in relation to what constitutes 'reasonably' necessary. This is a matter of planning judgment, and so is not defined by the GPDO. Nor thus are dictionary definitions of much assistance, or how demolition issues have been dealt with in other applications in the Council area. It is for the decision-maker to decide in each case.
14. Why the Council refused to validate a demolition notice application related to the partial demolition works before me lies outside of my deliberations under Class Q. Where I have been referred to a planning law blog, this simply reinforces the controls that exist over partial demolition. In addition, internal works to the building are not for my consideration in this case as they are not in dispute. None of these matters alter my conclusion.
15. In taking these considerations together, I conclude that the proposal would not be permitted under Schedule 2, Part 3, Class Q. (b) and Q.1. (i) (ii) of the GPDO with regard to the building operations reasonably necessary to convert the building.

Curtilage

16. For a proposal to be permitted development, it must meet all of the relevant limitations and as I have already found against the proposal on these grounds, it cannot be permitted. This is irrespective of the matter of dispute over curtilage. Nevertheless, as it is a reason for refusal which the appellant has sought to address, there is some merit in offering a view.
17. The amended plan has reduced the area of land immediately beside or around the building by excluding parts of the hardstanding area that do not relate to parking

¹ Planning Practice Guidance: When is permission required?

² Appeal ref: APP/P1045/W/24/3342866

and access for the proposal. As it stands, the hardstanding is not though subdivided in this way and it is a singular area of land. If the existing building is accessed, it could utilise all of the hardstanding area in between the building and the access point onto Main Street. All of the hardstanding is therefore part and parcel of or has an intimate association with the building to which it is attached, on a fair reading of the physical layout. I would however agree with the appellant that the land immediately to the west within the red line can be deemed to be in its curtilage, given its close proximity. It is not unusual for land associated with an agricultural building not to have a firm boundary with it.

18. On this basis, the curtilage extends to that as is shown on the original proposed site layout plan by way of the red line boundary. This results in an area of land immediately beside or around the agricultural building that is larger than the land area occupied by the agricultural building itself. Hence, I conclude that the proposal would not be permitted under paragraph X of Schedule 2 of the GPDO by way of its curtilage.

Other Matters

19. In terms of both the merits of the procedure in making an alternative use of a farm building under a simple process and pragmatism in the decision-maker's approach, this is already inherent in the GPDO and is reflected in its provisions. Similarly, while consultees did not object to the application, deciding on whether this proposal is permitted development is entirely dependent on the consideration of the GPDO. The procedure is to be attended by the minimum of formalities and the Council is under no obligation to extend the 56 day determination period. While I note other comments made about how the Council dealt with the application, in any event, I have considered the totality of the evidence in my decision. For the reasons that I have set out, this does not favour the proposal.
20. As I have found the proposal falls outside of permitted development, there is no requirement for me to make a determination of the prior approval matters.

Conclusion

21. The proposal falls outside of the limitations of Schedule 2, Part 3, Class Q. (b) and Q.1. (i) (ii) of the GPDO with regard to the building operations reasonably necessary to convert the building, and paragraph X of Schedule 2 of the GPDO by way of its curtilage. Consequently, it would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and, therefore, is not development permitted by it. The appeal should therefore be dismissed.

Darren Hendley

INSPECTOR