



Appeal Decision

Site visit made on 9 July 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/H1840/W/25/3363411

Agricultural building at Manor Farm, Abbots Lench, Evesham WR11 4UP

- 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 Eric Gill against the decision of Wychavon District Council.
 - The application Ref is W/24/02353/GPDQ.
 - The development proposed is prior notification for the proposed change of use of an existing agricultural building, and associated conversion works, to form a dwellinghouse.
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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 (a) and (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for prior notification for the proposed change of use of an existing agricultural building, and associated conversion works, to form a dwellinghouse at Agricultural building at Manor Farm, Abbots Lench, Evesham WR11 4UP in accordance with the application W/24/02353/GPDQ and the details with it including drawing numbers 2265 D1000, 2265 D2000, 2265 D3000 A and subject to the following condition:
 - 1) Any contamination that is found during the course of construction of the approved development 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 a remediation and verification scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out before the development is resumed or continued.

Preliminary Matters

2. I have taken the description of development from the application form, removing wording that is not a description of development.
3. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 came into force on 21 May 2024. Transitional arrangements set out in Article 10 of the amending Order applied to applications submitted until the end of 20 May 2025. The application was submitted on 14 November 2024 and was eligible for the transition arrangements however, the application form confirmed that the appellant wished for the application to be

determined based on the amended version of the Order. I have determined the appeal on this basis. As the proposal entails change of use and building works, but no extension, Class Q (a) and (c) apply.

Main Issue

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

Reasons

5. Class Q of the GPDO permits development consisting of a change of use of a building and that is part of an established agricultural unit and any land within that building's curtilage to a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Use Classes Order, along with the extension of the building and building operations reasonably necessary to convert the building, subject to certain limitations and conditions.
6. Planning Practice Guidance (PPG) explains that the right assumes that the agricultural building is capable of functioning as a dwelling and 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. 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.
7. My attention has been drawn to the 'Hibbitt'¹ caselaw which held 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. Planning judgement should be made on a fact and degree basis.
8. The appeal building comprises a 5-bay steel framed mono-pitched building with a corrugated roof and walls to three sides with the third side of the building open, with gates. The existing walls comprise a blockwork base with timber boarding above and the base of the building comprises a concrete slab.
9. A Structural Survey Report carried out by structural engineers² states that there are no defects within the steel frame, that the perimeter blockwork walls are in good condition with only minor damage and that the floor slab is in sound condition. It concludes that the barn is in good structural condition and would be suitable for conversion without the requirement for structural alterations. The description of the condition of the building in the Structural Survey Report aligns with my observations.
10. In order to convert the building, a new external wall would be constructed to the front elevation, interior wall insulation would be provided, fenestration inserted into the elevations, installation of an insulated floor slab, replacement of the existing external wall and roof cladding where necessary and new guttering would be incorporated.

¹ Hibbitt v SSCLG & Rushcliffe BC [2016] EWHC 2853 (Admin)

² 380-RCH-xx-xx-D-S-9000-P01 Class Q Planning-Structural Survey Report by RCH Structural Engineers. 6 November 2024.

11. Class Q.1(j)(i)(aa) allows for the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse.
12. Consequently, the external works, namely the installation of windows and doors, the new front elevation wall and any replacement wall and roof elements would fall within the scope of Class Q. I recognise that the exact extent of replacement roofing and walling material has not been specified in the submitted information. Nevertheless, even if the replacement timber cladding and roofing were extensive, these works would not fall outside the scope of Class Q.
13. PPG explains that 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.' Consequently, even if the proposed internal works have a structural function, they are not prohibited by Class Q.
14. The Council contend that because the new internal walls would need to be load-bearing this indicates that the building is not capable of conversion. However, these works do not amount to the complete or substantial re-building of the pre-existing structure. No operations involving excavating, installing or strengthening the foundations, which are not permitted by Class Q, are proposed.
15. Several appeal decisions have been referred to by the Council. I have been provided with limited detail in respect of these appeals. Furthermore, the assessment required in Class Q schemes is one of fact and degree and therefore it is not possible to draw out direct comparisons. However, in the interests of consistency I have had regard to the appeals referred to.
16. In the Orchard End Farm³ appeal the Inspector makes reference to the possibility of new foundations, and additional bracing. In the Barn at Mill Orchards⁴ appeal, the building and the works included different elements including the potential rebuilding of a collapsed structure. In the Park Farm⁵ appeal the Inspector highlights elements of the existing building that are in poor condition and questions the adequacy of the foundations. In The Barn 8, Scalm Park⁶ appeal the Inspector states that existing piers would remain but would be a minor part of the resultant building. Therefore, these cases differ from the building and proposals before me now.
17. Based on the evidence provided, I am satisfied that the proposal would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the GPDO with particular reference to the extent of the proposed building operations.

Other Matters

18. The conditions set out in paragraph Q2(1) (a) to (g) of the GPDO relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. Concerns have been

³ APP/R3325/W/22/3308359

⁴ APP/J1860/W/23/3322722

⁵ APP/Y3615/W/24/2255147

⁶ APP/U2750/W/24/3357405

raised by an interested party in respect of traffic, drainage and the effect on living conditions as a result of the proposed windows. The Council raises no concerns in relation to these matters. In the absence of any compelling evidence to the contrary and based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters. Therefore, the proposal would comply with these other matters to be considered under Class Q.

Conditions

19. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (4) which specifies that the development shall be completed within a period of 3 years, as well as the provisions of paragraph W., including paragraph W (12) which requires development to be carried out in accordance with the details submitted.
20. A condition in respect of contaminated land is necessary in the interests of human health. I have undertaken some minor editing and rationalisation of the condition in the interest of precision and conciseness.

Conclusion

21. For the reasons given, I conclude that the appeal is allowed, and prior approval is granted.

E Pickernell

INSPECTOR