



Appeal Decision

Site visit made on 16 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/H1840/W/25/3366009

Orchard Farm, Evesham Road, Norton, Evesham WR11 4TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant prior 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 Steve Warner against the decision of Wychavon District Council.
 - The application Ref is W/25/00479/GPDQ.
 - The development proposed is described as "Prior Notification, Class Q for the Change of Use of Agricultural Building to two dwellings and associated works at Orchard Farm, Evesham Road, Norton, Evesham WR11 4TL."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Steve Warner against the decision of Wychavon District Council. This application is the subject of a separate decision.

Background and Main Issue

3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). Under the transitional arrangements, set out under Article 10, 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. The application confirms that the intention is to use the permitted development right as it stood prior to 21 May 2024. I have therefore dealt with the appeal on this basis.
4. Class Q of Part 3 of Schedule 2 to the GPDO states that development consisting of Q(a) 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 (dwellings) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
5. The Council refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1(i) of the GPDO, in that it considers that the building operations would go beyond what is reasonably necessary to convert the building to two dwellings.

6. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.
7. Given the foregoing, the main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of building operations proposed and whether they are reasonably necessary for the building to function as a dwellinghouse.

Reasons

8. The appeal site comprises a traditional, steel portal framed agricultural building. The building has two adjoining sections. One section has blockwork walls with a combination of timber boarding and cement sheeting above to three sides, with a profiled cement sheet roof covering. The other section has a largely open appearance, comprising a steel frame, blockwork walls to three sides, and a partial roof covering.
9. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
10. Additionally, under the provisions of Paragraph Q.1(i)(ii) permitted development is restricted to partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
11. The Planning Practice Guidance (the PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a 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 benefit from the permitted development rights.
12. Neither the GPDO nor the PPG define the term 'reasonably necessary'. As such, this is a matter of planning judgement based on fact and degree of an individual case.
13. The main parties have both drawn my attention to the Hibbitt Judgment². Hibbitt related to the conversion of an agricultural building that was open to all four sides. The Judgment considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. Indeed, as highlighted by the appellant, Hibbitt reinforces that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.
14. The 'Visual Structural Inspection & Subsequent Assessment' (the structural report) establishes that the steel frame of the building is structurally sound. The structural report and 'Schedule of Work' document also suggest that the existing blockwork

¹ Paragraph: 105 Reference ID: 13-105-20180615

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

walls would be retained to three sides and the timber vertical boarding above could be retained, as illustrated on the submitted plans. However, the structural report identifies that the existing structure would need to be enhanced with timber purlins to the roof and cladding rails to the walls in order to support the conversion works. The extent of these additional structural works is not clear.

15. Furthermore, while the appellant suggests that the retained envelope of the existing building would be well over 75%, it remains the case that a new blockwork wall would be required across the full length of the open frontage of the building, with new timber boarding above. New blockwork would also be required to fill the gaps in the gable ends and new timber boarding would be required to replace the cement sheeting in one of the end gables, as well as infill a number of existing gaps. There is also a possibility that the cement roofing would need to be fully replaced if it contains asbestos, which has not been confirmed. To my mind these works would comprise substantial re-building works of the building. In addition, without substantive evidence before me, I cannot be satisfied that foundations would not be required for the new wall, as part of the works to install a new ground floor slab to the building.
16. I acknowledge that internal works are generally not development, and that internal structural works are not prohibited by Class Q. Nonetheless, combined with the level of new external works, the proposed building operations would be vast. Consequently, the level of works required to facilitate the use of this building as dwellinghouses would be of such magnitude as to exceed the definition of a conversion. Instead, they would represent a rebuild, thereby falling outside the scope of the GPDO.
17. In terms of demolition works, the more dilapidated and open section of the building would be demolished, and I am satisfied that it would amount to partial demolition.
18. My attention has been drawn to appeal decisions at Land Adjacent to Byfield House, Pinvin (the Pinvin appeals)³. Full details and plans for the Pinvin appeals have not been submitted but the Inspector in those appeals identified that none of the elevations of the barns to be converted were wholly open. In contrast, the appeal building has one side that is completely open and requires the construction of a new wall of a considerable length. Therefore, the Pinvin appeals do not appear to be comparable to the appeal scheme before me. Nevertheless, the issues around Class Q are highly fact sensitive, and often turn on the totality of a diverse array of site-specific circumstances. Given this, the Pinvin appeals do not add weight in favour of the scheme, and as I am required to do, I have determined the case on the evidence before me, the site-specific circumstances and on its own merits.
19. Accordingly, for the above reasons, I find that the proposed development would go beyond building operations reasonably necessary to convert the building into two dwellinghouses. As such it would fail to comply with paragraph Q.1(i) of the GPDO and would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the GPDO.

³ Appeal references: APP/H1840/W/21/3279032; APP/H1840/W/21/3279033 and APP/H1840/W/21/3279034

Other Matter

20. The appellant refers to the Council's current housing land supply position. However, although the National Planning Policy Framework seeks to significantly boost the supply of housing, this is dealt with by the regulations which are generally permissive of this kind of development. Indeed, the regulations stipulate that in determining such applications, decision makers can only consider a narrow set of criteria. Given this, although the proposal could lead to identified benefits these are not matters which are material to my decision.

Conclusion

21. For the reasons given above, I conclude that the proposed development is not permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal is therefore dismissed.

N Bromley

INSPECTOR