



Appeal Decision

Site visit made on 30 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/C1435/W/25/3363756

Milland Farm, Church Road, Herstmonceux, East Sussex BN27 1QJ

- 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 & Mrs Geoffy & Sarah Maitland-Jones against the decision of Wealden District Council.
 - The application Ref is WD/2024/1984/P04.
 - The development proposed is the conversion of agricultural barn to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form is extensive in detail. I have had regard to this detail in my assessment. However, for the purposes of my banner heading, I have used the description in the Council's decision notice.
3. 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.
4. Class Q(a) of the GPDO permits development consisting of 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to a number of instances where such development is not permitted, listed under Paragraph Q.1.
5. The Council raises no concerns in respect of the proposal complying with criteria Q.1 (a) - (h) and (j) - (m). I have no reason to disagree. The Council considers, however, that the development is not permitted by Class Q, because the proposal contravenes the requirements of Paragraph Q.1(i) and that the building operations would be more than reasonably necessary for the building to function as a dwellinghouse.

Main Issue

6. The main issue is whether the proposal would be permitted under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO, specifically whether the required

building operations are to the extent reasonably necessary to carry out the conversion of the building to comply with Paragraph Q.1 (i) of the GPDO.

Reasons

7. 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.
8. Paragraph 105 (Reference ID: 13-105-20180615) of the Planning Practice Guidance (PPG) 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 rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Accordingly, 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.
9. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention has also been drawn to the 'Hibbitt' judgement (Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council 2016) which relates to the difference between conversions and rebuilding under Class Q. This reaffirmed that if a development does not amount to a conversion it would fail to be development permitted under Class Q(b).
10. Furthermore, 'Hibbitt' affirms that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion. The judgement also preferred the term 'fresh build' in preference to 'rebuild'.
11. An inspection of the appeal building was undertaken by a chartered architect. The inspection found the existing structure to be in sound condition and that the barn appeared to be in a suitable condition to allow for its change into a habitable dwelling. However, the inspection appears to have been a visual one and thus it is not clear the extent to which any parts of the structure which were otherwise covered, unexposed or inaccessible have been inspected to ascertain that such parts of the buildings were free from defects. I note that there is no structural report, no detailed structural calculations for the proposed development or any indication of trial pits having been dug to assess the foundations.
12. The appeal building is a timber framed barn, designed for agricultural use. The proposal seeks to retain the existing external hit-and-miss timber cladding that encloses the majority of the building's external elevations. The existing timber cladding is not structurally grounded or set in a foundation.
13. Notwithstanding that the external cladding would be maintained, in practical terms it would have a rather superficial role with new walls/insulation needing to be constructed behind the cladding to the majority of the barn. Without it, the building would not be sufficiently weather proof or watertight for habitable use. Some existing parts of the building are open and so would require entirely new external walling.

14. It is suggested that attaching the new panels to the frame of the building would assist with structural rigidity but there is no structural assessment of this nor the extent of any additional loadings on the frame. The degree to which any works to the existing foundations would be necessary to support the wall loads and allow the building to function as a dwelling remain uncertain when taking account of the evidence before me.
15. The existing openings would be utilised, with a minimal number of other windows proposed. However, there is no substantive evidence that the existing structure and panels would be able to support the insertion of windows and doors. Although the submission states that the building is capable of being lined internally to provide a thermal envelope, there is limited evidence as to how this would be undertaken.
16. Turning to the floor of the building, although parts have a concrete floor, the remainder is said to be compacted hardcore and part of a former tennis court base. Regardless of whether the provision of a new floor (and any sub-base/foundations) was considered to comprise a structural element of the scheme, the works would still need to be undertaken to facilitate the building's use as a dwellinghouse. Accordingly, I still have to take account of the need for this work to be completed in my consideration as to whether what is before me is a conversion to a dwellinghouse, as opposed to a fresh build.
17. The Design and Access Statement submitted with the initial application indicates that the existing metal roof cladding would be retained. However, the drawings, unlike with the existing timber cladding, do not specify that the existing roof cladding would be retained. The application form is also silent on the matter. Consequently, there is nothing within the submission to ensure that this would actually be the case and that the roof would not be replaced.
18. The individual elements proposed, such as the installation of windows and doors is permissible, and some of the works are internal and are therefore not development requiring planning permission. However, for the building to function as a dwellinghouse there would nonetheless need to be a significant amount of work undertaken, notwithstanding the lack of clarity around the structural elements and foundations. These elements considered individually may be within the scope of works permitted under paragraph Q.1 (i). However, cumulatively, the amount of works proposed would result in a fresh build, even though the appellants consider that the external appearance would not be significantly different.
19. In view of the above, the existing building is not already suitable for conversion to residential use, and it has not been demonstrated that conversion in the form proposed can be achieved without extensive work that would amount to substantial re-building of the barn.
20. It follows that, based on the evidence before me, I cannot find that the appeal scheme to be development permitted under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

21. References have been made to other buildings which have been converted to residential use, including a listed building. Given that an assessment of whether or not proposed works go beyond the scope of conversion is typically a matter of

planning judgement with reference to the particular circumstances of the case, these other examples are of little weight in the context of determining the current appeal. I have therefore determined it on its own merits.

22. I note that the proposal is intended for a family member which would assist in the running of the existing agricultural operations in the future. It would also increase the supply of housing in the area. However, Class Q does not apply a test in relation to the need for the proposed dwelling nor for its contribution to housing land supply. As such, these factors have little bearing on the determination of the appeal.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR