



Appeal Decisions

Site visit made on 12 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 SEPTEMBER 2025

Appeal A. Ref: APP/L3625/W/25/3364732

Land adjacent to Hurst Farm, Hurst Lane, Headley, Epsom KT18 6DP

- 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 M Jelley against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/02307/PAP3Q.
 - The development proposed is the conversion of an agricultural building to 2 dwellings and associated buildings works.
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Appeal B. Ref: APP/L3625/W/25/3364736

Land adjacent to Hurst Farm, Hurst Lane, Headley, Epsom KT18 6DP

- 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 M Jelley against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/02291/PAP3Q.
 - The development proposed is the conversion of an agricultural building to dwelling and associated buildings works.
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Decision

1. Appeal A – the appeal is dismissed.
2. Appeal B – the appeal is dismissed.

Preliminary Matters

3. Both proposals are made under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). This Class can allow, in summary and subject to limitations and prior notification, the change of use of an agricultural building to a dwellinghouse(s) together with building operations reasonably necessary to convert the building.
4. The Appeal A proposal seeks to convert the building to two dwellings and the Appeal B proposal to a single dwelling. Both applications seek approval for the associated physical works with the conversion. Neither scheme would extend the building.
5. Amendments were made to Class Q of the GPDO on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions, and to increase the total number of dwellings from 5 to 10. Included in the permitted development right changes was the removal of the ability to create any dwelling greater than a floorspace of 150 square metres.

6. Transitional requirements were put in place for applications submitted to the Local Planning Authority until the end of 20 May 2025 to allow a proposal to be determined against either the earlier or latest version of Class Q.
7. Appeal A, for two dwellings, was submitted on the basis of determination against the latest version of Class Q. The Appeal B scheme for a single dwelling, because of its floorspace would exceed 150sqm, was confirmed to be considered against the permitted development right as it stood prior to 21 May 2024. In any case, the key issue which is in dispute for both proposals is the same and is not related to the changes to Class Q.

Planning History

8. There is an extensive planning history that helps form some of the background to the considerations in these appeals. In particular, there have been a series of applications to convert the building to residential use made under Class Q, all of which have been refused. The first Class Q proposal was made in 2015. A second Class Q application was made in 2016 and dismissed at appeal¹ in February 2017 (the 2017 Class Q appeal). That Inspector found that the building was part of an established agricultural unit, but the details, in the absence of a structural report, did not satisfy him that the structure formed a robust basis for conversion into a dwelling, and he had sufficient doubt that the works required would fall outside those listed in the GPDO.
9. Subsequent Class Q applications were also refused in 2017 and 2018 because the Council concluded that the works would involve substantial works rather than works reasonably necessary to convert the building. A planning application for a change of use of the building was also refused in 2018.

Main Issue

10. The Council has assessed the schemes against the criteria in Class Q. It has concluded that, other than in respect of the main issue and associated analysis below, the proposals would meet with the relevant criteria and prior approval matters. I agree.
11. The main issue for both appeals is, therefore, whether or not the works to the building would be a conversion so as to fall within the requirements of a Class Q development.

Background

12. By way of background, I consider that it is helpful to set out the key elements of Class Q and the Planning Practice Guidance (PPG) that are relevant to the considerations in these appeals.
13. Firstly, in summary, Class Q allows the change of use of an agricultural building, together with building operations reasonably necessary to convert the building to a dwelling(s). The key element is that the works should be a conversion.
14. A scheme, in summary, is excluded from Class Q under section Q1.(j) if the development would consist of building operations other than—

¹ APP/L3625/W/16/3160394

- (i) the installation or replacement of—(aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i)
15. The PPG explains that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.
 16. The PPG confirms 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 to 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 have the permitted development right.
 17. The PPG directs, for a discussion of the difference between conversions and rebuilding, to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853(Admin) (*Hibbitt*)
 18. The PPG also advises that internal works are not generally development. It is explained that 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.
 19. It is also important to note that the PPG advice has changed through time. In the past, and when *Hibbitt* and the 2017 Class Q appeal were considered, the PPG explained that it was not the "... *intention of the permitted development right to include the construction of new structural elements for a building*". This guidance is no longer included in the PPG and structural additions, therefore, can be permissible under a Class Q conversion.

Reasons

20. The agricultural building is a concrete framed structure, with a corrugated sheeted roof. It has similar sheeting to the back and sides above a 1.8m high blockwork wall. There is a small section of block wall to one side of the frontage and small areas of sheeting, otherwise the frontage is open. The floor of the barn comprises uneven chalk and soil.
21. These applications and appeals are accompanied by a structural visual inspection report (28 November 2024) undertaken by a suitably qualified chartered engineer. This Structural Report explains that lateral stability is provided by tying beams positioned between columns, and comments potential inclusion of additional braces within the concrete frame could further enhance this stability. No further

information is provided on this issue and this leaves me with the impression that the detail is not available or has not been worked through to clearly provide confidence that the building would be sufficiently stable to form the basis for additional works. The Structural Report also states that the current roof is inadequate for domestic use and will need to be replaced. It is explained that it is likely that the existing purlins and portal rafters lack the structural capacity to bear the additional load from the new roof covering and it is recommended that supplementary purlin runs are added within the roof slopes.

22. I saw at my visit the blockwork walling and noted that a small section along the rear wall where it had moved near its base. The Structural Report, while commenting that it is in generally good condition, highlights dampness and lateral cracks at the foot of the blockwork and which could benefit from replacement. It recommends that any localised replacement of the blockwork and new walls should incorporate appropriate foundations for a domestic use.
23. The Structural Report also comments on foundations and that a trial pit was excavated adjacent to one of the concrete portal frames. This was found to be adequate for its current support; however, no detailed comment or in-depth analysis is made as to whether these foundations are adequate for the proposed use. Furthermore, it is unclear from the Structural Report whether the foundations to the blockwork walling would also be able to serve the extended walling above this blockwork in association with the new residential use. This raises doubts in my mind which are also reinforced because for the sections of the blockwork to be replaced it is recommended that this should incorporate appropriate foundations for a domestic use.
24. The Structural Report also explains that walls and other supporting items will be required to make the barn fully enclosed when converted to a domestic property and these new elements can be load bearing. In these circumstances, such load bearing new walls, both to the present open front, and the new walls inside the blockwork on the three other sides of the building, would very likely need some form of foundation. Foundations and/or underpinning are not listed in Class Q1.(j) as works that are covered by this section and that can benefit from the permitted development right. The same issue applies to the replacement areas of blockwork where new foundations it seems would be required in accordance with the Structural Report.
25. I appreciate that the list of works in Class Q1.(j) can be quite extensive and include the installation or replacement of walls and roofs, and that internal works such as the new floor and new mezzanine area would not need planning permission in themselves. Furthermore, there is now an ability to add structural elements.
26. However, it seems to me that the likely considerable extent and nature of the new works, with the building stripped back to its skeletal/blockwork frame, and the probable need to stabilise sections of the barn to accommodate a residential use with new and replacement elements such as external walls having to be structural and with foundations, means that effectively the building would not be converted. When considered as a whole, the result would be that the existing frame and blockwork would be somewhat coincidental to the construction, extent and nature of elements that would make up the new dwelling(s). The evidence, therefore, does not demonstrate that the agricultural building is suitable for conversion or capable of functioning as a dwelling.

27. In terms of *Hibbitt*, I consider that the extent and nature of the additional works, and with the quite modest elements of the existing building that would contribute to that new dwelling, would be such that the works should effectively be considered a new build, and not a conversion within Class Q.
28. Both main parties have highlighted other appeal decisions that are said to justify their position. In terms of the three barns permitted under Class Q to be converted at Lower Duxhurst Farm, it appears that the barns were in better order to be converted than the present building and the accompanying Structural Report did not identify some of the issues that I have found in this case. Each barn, even when there may be a similar concrete frame, will have its own circumstances, condition and physical requirements for works to allow use as a dwelling(s). I am therefore of the view that the situation at Lower Duxhurst Farm attracts only limited weight in support of the present proposal, which I have considered on its merits and on the information available to me.
29. With the appeal decision at Littleton Manor² the Inspector, despite a Structural Report, found it was unclear from the plans which parts of the building would be retained or replaced, and whether any foundations or structural changes would be needed to support the thicker walls and accommodate the different openings. In the absence of this information, that Inspector was not able to be satisfied that the proposal would not go beyond conversion and thereby amount to rebuilding of the structure. In many respects this is a similar situation to which I find myself with the present appeals.
30. I have had regard to the conclusions in the 2017 Class Q appeal decision, although that was a situation when that Inspector did not have a Structural Report before him and the PPG has been updated in relation to the advice on structural changes. Nevertheless, I consider that my conclusion is still consistent with that appeal decision as that Inspector concluded that, on the basis of the evidence submitted and taking into account the crude nature of the existing structure, it did not appear to form a robust basis for conversion into a dwelling.
31. To conclude, the PPG explains that 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. Given the evidence of the likely extent and nature of works, I am not satisfied that the evidence demonstrates that the appeal building is suitable or capable for conversion to residential use. On this basis, both schemes would not meet with the requirements for a Class Q development.

Other Matters

32. I have noted all the comments and objections to the schemes from local residents and the Tadworth and Walton Residents Association. Many of the wide ranging concerns, such as impact on the Green Belt and design of the scheme, do not relate to the permitted development criteria and I have considered the main and determinative issue in the analysis above.

Conclusion

33. For the reasons I have set out above, I am not satisfied that the works would fall to be considered as a conversion as required by Class Q and the limitations set out

² Appeal Ref: APP/L3625/W/23/3329097 - Littleton Manor, Littleton Lane, Reigate, Surrey RH2 8LB - 12 June 2024

in the permitted development right. Both schemes involve works that would appear to go beyond those requirements. Neither scheme, therefore, should be considered to be permitted development and, consequently, I conclude that both appeals should be dismissed.

David Wyborn

INSPECTOR