
Appeal Decision

Site visit made on 7 August 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

Appeal Ref: APP/H1840/W/25/3367537

Yardings Farm, Oldfield Lane, Ombersley, Worcestershire WR9 0JN

- 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 Skidmore against the decision of Wychavon District Council.
 - The application Ref is W/25/00580/GPDQ.
 - The development proposed is the notification for prior approval for the proposed change of use of an agricultural building to residential (Class C3) and associated operational development at Yardings Farm.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (the GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force prior to 21 May 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. The existing structure on the site is a simple agricultural barn, comprising a steel frame with a sheet metal roof. A lean-to which is adjoined to the western side of the barn is proposed to be demolished.
5. 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.
6. GPDO Paragraph Q.1(i) indicates that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.

Furthermore, Planning Practice Guidance (PPG)¹ states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right.

7. In addition, the PPG specifically refers 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) (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
8. In this instance, the appellant has provided a structural survey (the survey) which was undertaken by Shire in February 2025. The survey concludes that the key structural elements of the barn, including the frame, are in good condition. From what I saw on my site visit, I have no reason to disagree with this conclusion.
9. Despite this, I am of the view that significant work would still be required as part of any conversion. Indeed, both the northern and southern elevations have large openings that form entrances into the barn. While there is some existing cladding around these openings, including above a low blockwork wall in the northern elevation, there are regular gaps within the slats. It is also noticeable that the gable end at the southern side of the barn is unfilled. On the eastern side of the barn, the monopitch lean-to, which is to be retained, is largely open to the elements with just a small amount of metal sheeting at its northern end. Paragraph 2.4 of the survey confirms that the wall within the western elevation would have to be replaced following demolition of the adjoining lean-to. As such, all four elevations require significant work to fill substantial gaps. Furthermore, a new concrete floor slab is required in the main barn, while the existing roof cladding would also be replaced.
10. When considered individually, each of the works required could be considered to be permitted by the legislation and PPG. However, I am not convinced that the totality of the required work to the walls, roof sheet and flooring, as well as the proposed demolition of the lean-to, could be considered to be minor in nature, and it therefore seems to me that the appellant's evidence underplays the scope and significance of this work. In my view, the extent of these works goes beyond building operations that are reasonably necessary for the building to function as a dwelling. It is therefore not possible to conclude that it is already suitable for conversion to residential use as required by the PPG. Having regard to the Hibbitt case, I am of the view that the proposal would be more akin to a partial rebuild rather than a conversion.
11. I note that the appellant has provided details of several schemes that were previously allowed at appeal. I do not have the full details of these schemes before me. However, it is clear that applications of this nature will inevitably vary in terms of the amount of work required and therefore no two proposals are the same. In any event, the Hibbitt case makes it clear that it is reasonable for the individual decision maker to exercise their own planning judgement on such matters.

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

12. The Council has also set out that, in their view, the proposal would not meet the legislative requirements set out in paragraph Q.1(a)(i) on the basis that it has not been shown that the barn was in agricultural use on 20 March 2013. However, even if that were the case, Q.1(a)(ii) provides a further clause wherein the barn must have been in agricultural use when it was last in use prior to that date. Based on the appellant's evidence, including a letter provided by a former farmer at the property, I am satisfied that the proposal would meet this requirement.
13. Nevertheless, due to the amount of work required as part of the proposed development, I conclude that it falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR