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## Appeal Decision

Site visit made on 26 August 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

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**Appeal Ref: APP/P2935/W/25/3368310**

**The Hay Barn, Twizell Farm, Kirkley, Ponteland, Northumberland NE20 0AL**

- 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 Edward Foley against the decision of Northumberland County Council.
  - The application Ref is 25/00365/AGTRES.
  - The development proposed is notification of prior approval for change of use from agricultural building to residential.
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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 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for change of use from agricultural building to residential at The Hay Barn, Twizell Farm, Kirkley, Ponteland, Northumberland NE20 0AL in accordance with the terms of the application, Ref 25/00365/AGTRES, and the plans submitted with it including plan Nos 2848 L(9-)01 M, 2848 L(9-)07 N, 2848 L(52-)01 N, 'N' 2848 L(2-)13 N, 'N' 2848 L(2-)15 N, 'N' 2848 L(2-)12 N, 'N' 2848 L(2-)14 N, 2848 L(2-)02 N, 'N' 2848 L(2-)16 N, 'N' 2848 L(2-)17 N, 'N' 2848 L(2-)18 N and subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appellant submitted amended plans prior to the Council's determination of the application. These plans are included in the conditions the Council suggested in the submitted Planning Appeal LPA Written Statement. Therefore, I consider it would not be prejudicial to interested parties to accept them. As such, I have determined the appeal on the basis of the plans listed on the Council's suggested plans condition.
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 General Permitted Development Order (GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time the original application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.

5. The GPDO is clear that the local planning authority may refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

### **Main Issue**

6. The appeal falls to be considered as to whether the scheme meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, prior approval is required in respect to a number of matters, including the extent of the building operations necessary to allow for the conversion.
7. The main issue is whether the development would consist of building operations reasonably necessary to convert the building.

### **Reasons**

8. The Council is concerned the proposed works to the building would go beyond that which could be deemed as reasonably necessary to convert the building; and consider the scheme would represent the creation of a new building rather than a conversion of the existing barn. This is a valid issue to consider as the Planning Practice Guidance (PPG) says the intention of Class Q is not to allow rebuilding works that would go beyond that reasonably necessary for the conversion of the agricultural building to residential use<sup>1</sup>. The PPG refers to the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)* (Hibbitt). This establishes that Class Q requires a proposal to represent a conversion rather than a rebuild, fresh build or new build and it provides useful commentary on the issue.
9. The building subject of this appeal is a reinforced concrete framed barn. The lower half of three external walls are constructed from concrete block work and the upper walls and also the pitched roof is constructed from asbestos sheeting. One side wall is open and the barn that adjoins this elevation would be removed. The proposed plans state that the roof would be replaced with insulated roof panelling and the upper walls would be replaced with larch or cedar cladding. Based on the evidence before me the existing concrete frame, concrete floor and blockwork walls would be retained. The open side elevation would be built up to reflect the other external elevations and would include bifold doors and two windows.
10. The building was designed for agricultural purposes and is agricultural in appearance, the alterations are sensitive and would retain the buildings original character. Further, the proposal is supported by two structural reports<sup>2</sup> which

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<sup>1</sup> Planning Practice Guidance, When is permission required section, Paragraph: 105 Reference ID: 13-105-20180615 revision date 15 06 2018

<sup>2</sup> The Home Engineers, Structural Survey Report Existing Barn Building, 2024 and JC Consulting, Structural Condition Survey, 2024

found that, following some remedial work to repair spalled concrete, the structure is suitable for incorporation into the proposed scheme.

11. It is acknowledged that part of the external walls would be replaced, and several internal and external alterations would be required in order to allow for the conversion. However, sub-paragraph Q.1(j) of Class Q allows the installation of windows, doors, roofs or exterior walls as well as partial demolition of the building. In light of the extent of the range of works permitted under the terms of Class Q, I find the proposed works would not represent a new build rather than the operations reasonably necessary to allow conversion of the barn. Therefore, it would fall within the works allowed under Class Q1.(j) and so I conclude the proposal would represent permitted development under Class Q in this regard.

### **Other Matters**

12. My attention has been drawn to an example of a barn that was recently dismissed by the Inspector<sup>3</sup> who considered that in that instance the proposal would constitute a re-build rather than a conversion. Full details of this scheme have not been provided. Therefore, I cannot be certain that the extent of building works required in that instance reflect the scheme before me. In any event I have determined this appeal on its own merits and the evidence before me.

### **Conditions**

13. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. Paragraph W(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details submitted and I have listed the submitted plans in my decision.
14. Paragraph W(13), Schedule 2, Part 3 of the GPDO 2015 allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. In this instance the building is known to be partly constructed from asbestos sheeting therefore it is necessary to include a condition to ensure that contamination within the site is fully investigated and managed appropriately; to ensure that the development can be carried out safely and the health and safety of future occupants is not put at risk. A further condition has been included to ensure compliance with the recommendations of the submitted ecological impact assessment to protect and enhance biodiversity.
15. I have considered the suggested conditions against the tests set out in the Planning Practice Guidance and paragraph 56 of the National Planning Policy Framework. Where appropriate, I have adjusted the wording to improve precision and enforceability.

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<sup>3</sup> APP/P2935/W/25/3361925

## **Conclusion**

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is granted under Schedule 2, Part 3, Class Q of the GPDO.

*C Livingstone*

INSPECTOR

## Schedule of Conditions

- 1) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
  - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
  - ii. the site has been remediated in accordance with the approved measures and timescale; and
  - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
  - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 2) The development shall be implemented in accordance with the recommendations within Section 8 of 'Ecological Impact Assessment and Bat Risk Assessment, Twizell Farm, Kirkley, Ruth Hadden, October 2023v2'. Any works carried out in accordance with those recommendations shall be retained and maintained thereafter.

\*\*\*\*\* END OF CONDITIONS\*\*\*\*\*