



Appeal Decision

Site visit made on 9 September 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/M2840/W/25/3367852

Hillstone Farm, Higham Road, Stanwick, North Northamptonshire, NN9 6QF

- 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 Tarsem Sandhu against the decision of North Northamptonshire Council.
- The application Ref is NE/25/00142/PDU.
- The development proposed is conversion of part of an agricultural barn to residential.

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) (the GPDO) for the conversion of part of an agricultural barn to residential, at Hillstone Farm, Higham Road, Stanwick, North Northamptonshire, NN9 6QF, in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GPDO through application ref NE/25/00142/PDU. The approval is subject to the conditions set out in the GPDO and the following additional conditions:
 - 1) The development shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the local planning authority, to protect the occupiers of the residential use from noise, arising from the future agricultural or other non-residential use of the remainder of the barn and the wider farm site. The approved measures shall be incorporated into the development prior to the first occupation of the dwelling and shall be retained thereafter.
 - 2) Details of the external materials and colour of any replacement external wall and roof cladding and of new windows and doors, shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be completed in accordance with the approved details.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, grants planning permission for development consisting of: (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 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. Such development is permitted subject to the limitations and restrictions set out within paragraph Q.1.(a) to (m) inclusive.

3. Although this permitted development right was amended on 21 May 2024, the submitted application form confirms that the appellant chose to use the permitted development right as it stood prior to 21 May 2024, under the transitional arrangements. I have therefore dealt with the appeal on this basis.

Main Issue

4. The main issue in this case is whether the proposal would comply with the requirements applicable to development permitted by Class Q of the GPDO, with particular regard to the extent of the proposed building operations.

Reasons

Whether permitted development

5. The site comprises part of a substantial modern steel portal framed barn with a concrete floor, profiled steel cladding to the walls and roof, a roller shutter door and a standard door, together with two small windows in the rear gable end and several roof lights. To the front, north side and rear of the barn there are crushed stone and gravel surfaces providing access, parking, turning and a yard area. On the southern side of the barn is a grassed area, adjacent to a small timber stable block and grass paddock. A large, grassed area also separates the barn from the existing house and its domestic curtilage. The wider surrounding area comprises arable and grazing land.
6. Paragraph Q.1.(i) of the GPDO permits the installation or replacement of windows, doors, roofs or exterior walls, to the extent reasonably necessary for the building to function as a dwellinghouse, and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG) provides further guidance in this regard, establishing 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'.
7. The external works proposed would include the installation of new window and door openings. Whilst the existing walls and roof are structurally sound, it is proposed to replace the wall cladding, which is reasonably necessary to aid the installation of the new openings. Although replacement roofing is shown on the drawings, this is not referred to elsewhere within the submissions. Any new external materials could be subject to a condition requiring their approval by the Council, to ensure their appearance respects the rural character of the site and its surroundings. A new internal wall would be constructed to sub-divide the new dwelling from the remainder of the barn, and the walls, floor and roof would all need to be internally insulated. A new first floor and partition walls to create the new rooms within the house would also be constructed internally.
8. The Council's case is focussed primarily on the construction of the new internal wall required to sub-divide the barn. In the Council's view, this internal partition wall would be considered an external wall and would be development beyond that which is normally acceptable for this type of proposal. However, it is unclear how the Council could reasonably reach such a view for an internal wall that would be built within and would remain within the confines of an existing building.

9. Development is defined by Section 55 of the Town and Country Planning Act 1990, and Section 55(2) lists the operations that shall not be taken as involving development for the purposes of the Act. It is clear from Section 55(2) that development does not include works of maintenance, improvement or other alteration which affect only the interior of the building or do not materially affect the external appearance of the building. As the internal works required would not amount to development as defined by the Act, they do not need planning permission and accordingly do not need to be explicitly granted by the permitted development right.
10. Whether or not the new internal partition wall is a structural, or load bearing element of the proposal is irrelevant. The GPDO makes no distinction between structural and non-structural works. The partition wall, which does not currently exist, is not required to make the existing building structurally sound or to support its existing walls or roof. It is reasonably necessary to construct this wall to sub-divide the new dwelling from the remainder of the agricultural building, and to comply with the maximum size limit for new dwellings set out in the GPDO. Class Q permits the change of use of part of a building and does not specify that such parts must already be physically subdivided by existing internal partition walls.
11. Internal works will generally be required for most conversion schemes, with such works not resulting in new buildings being created or existing ones being rebuilt. Many agricultural buildings comprise large internal spaces, which are sub-divided into multiple dwelling houses or into different uses. It is reasonably necessary to construct new internal walls and floors, to insulate these buildings and to create separate units, and separate rooms, to enable them to function as dwellings.
12. I have had regard to the PPG and the Hibbitt Judgement¹ in which it is clear that the building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. In the case of Hibbitt, the building to be converted was a skeletal steel framed building, which with the exception of 6 steel uprights supporting a mono-pitched roof, was largely open on 3 sides. The building relating to this appeal is entirely enclosed. The walls, roof and structural framework of the appeal building is far more substantial than what is suggested was present in the Hibbitt case, which makes no reference to internal partition walls. The circumstances between these two cases are far from comparable, and I have dealt with the appeal on its own merits. As I have not been provided with a copy of the appeal decision referred to by the Council in its delegated report, I have not been able to consider it.
13. I am therefore satisfied that the existing building is structurally sound and would form an integral part of the conversion into a new dwelling. The building operations proposed would be reasonably necessary for the conversion and would not exceed the limitations set out in the GPDO. The majority of the works would be internal or would constitute maintenance, improvement or other alteration under S55 of the Act, not re-building or new build. As such, the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

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

Other Matters

14. The Council's decision notice states that in addition to failing to meet the requirement set out in Q.1.(i), which relates to building operations, the proposal would fail to meet the requirements set out in Q.1.(a), (b) and (d). It also states that the full extent of the established residential unit has not been demonstrated and that the proposal therefore fails to comply with paragraph X of Part 3.
15. It is assumed that these points were added to the decision notice in error, given that they contradict the conclusions in the delegated report, which the Council wishes to rely upon in its defence of the appeal. The delegated report confirms that the requirements of Q.1.(a), (b) and (d) are met. No other reference to these points is made in the appeal correspondence. I also assume the reference to the extent of the established 'residential unit' was intended to read 'agricultural unit'.
16. It has not been disputed that the site was part of an established agricultural unit on the relevant date or was last used as such prior to that date. The relevance of the full extent of the unit is also unclear. Paragraph X of Part 3 of the GPDO defines the established agricultural unit and only requires that the land is occupied as an agricultural unit at the particular point in time as specified in the relevant Class. There is no requirement for the established agricultural unit to be of a particular size.
17. The local highway authority objected to the proposal on the grounds that it has an adopted policy, which resists the sharing of accesses between residential dwellings and agricultural or commercial premises. However, the proposal before me is permitted development and is not subject to such policies. Most applications made under Class Q will be served by an agricultural access road and most farmsteads have at least one dwelling on them.
18. The site is accessed by a gravel driveway, measuring approximately 6 metres wide, and serves an existing dwelling and farm building. It has a wide junction, with a tarmac surface and good visibility in both directions onto Higham Road, which is a lightly trafficked quiet country road. As the driveway is wide, straight and not particularly long for a farm track, there would be good intervisibility between vehicles approaching in opposite directions, and as such vehicles leaving the barn would be able to wait for any approaching large farm related vehicles to pass. Although the farm did not appear to be operating as such at the time of my visit, farming activities could recommence at any time without the need for planning permission. However, given the scale and nature of the site, any farming operations and associated movements are likely to be small scale. Furthermore, the single dwelling proposed would generate very limited traffic movements. Accordingly, I am satisfied that the proposal would not result in any adverse transport or highway impacts.
19. The grant of planning permission under Article 3(1) is subject to both the provisions of the GPDO and Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30 November 2017, that development which is (a) likely to have a significant effect on a European site, alone or in combination with other plans or projects and (b) not directly connected with or necessary to the management of the site must not

be begun until the developer has received the LPA's written notification of approval of an application made under Regulation 77.

20. It is evident from the Planning Inspectorate's Environmental Impact Assessment Screening that the appeal site is within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA) and Ramsar site located approximately 940 metres to the northwest of the site. The proposed residential development could, in combination with other local developments, result in localised effects because of increased disturbance from recreation resulting from an increase in the local residential population.
21. Whilst I have not been advised that the Council has received or approved any Regulation 77 application, I note from the Council's delegated report that the appropriate SPA mitigation fee payment was made to the Council with a previously refused scheme, which would suggest that the appropriate actions have been undertaken. This is, however, a matter to be resolved between the main parties outside of the scope of this appeal.

Conditions

22. The appellant should note that the GPDO requires that the development shall be completed within a period of 3 years from the date that the prior approval is granted. A number of other conditions apply to such development, including that the conversion is carried out in accordance with the details provided in the application, and that the Regulation 77 application referred to above is made to the Council if this has not already been done.
23. As the proposal relates only to part of the barn, with the remainder being retained for agricultural use, there is potential for noise to occur from the agricultural use of the barn and the access to it, which is adjacent to some proposed bedroom windows. Whilst I have been advised that a further application has been made to convert the whole of the building to residential use, I cannot be certain if that development will go ahead. I also cannot be certain that future occupiers of the dwelling will retain ownership and control of the remainder of the barn and its future use. A condition to protect future occupiers of the dwelling from noise is therefore necessary.
24. As the external materials are not specified on the forms or drawings a condition to require their approval by the local authority is necessary to ensure these respect the character and appearance of the area. However, given the time constraints for the completion of development approved under Class Q, these details can be agreed prior to their use, rather than prior to commencement, to enable other works to be ongoing whilst agreement is sought.

Conclusion

25. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

R Bartlett

INSPECTOR