



Appeal Decisions

Site visit made on 19 August 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal A Ref: APP/R1038/W/25/3366887

Barn off Gill's Lane, Grassmoor, Chesterfield S42 5AH

- 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 Mark Pickard against the decision of North East Derbyshire District Council.
- The application Ref is 24/00692/CUPDMB.
- The development proposed is change of use of the existing agricultural building to provide two dwellings.

Appeal B Ref: APP/R1038/W/25/3366946

Barn off Gill's Lane, Grassmoor, Chesterfield S42 5AH

- 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 Mark Pickard against the decision of North East Derbyshire District Council.
- The application Ref is 24/00694/CUPDMB.
- The development proposed is change of use of the existing agricultural building to provide one dwelling.

Decisions

1. Both appeals are dismissed.

Background and Main Issues

2. The appeals respectively relate to two barns located next to each other within open countryside at the end of a track.
3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) was significantly amended on 21 May 2024 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579. Transitional arrangements set out under this amending Order permit applications for development under Class Q made between 21 May 2024 and 20 May 2025 to be assessed against the permitted development right as it stood prior to 21 May 2024. Both of the applications now subject to these appeals were made under these transitional arrangements. Accordingly, I have assessed each against the terms of Class Q in force prior to 21 May 2024.
4. Thus, for the purposes of these appeals, Class Q permits development consisting of a 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) (Class Q(a)) together with any building operations reasonably necessary to convert the building (Class Q(b)).

5. Where development falls under Class Q, Paragraph Q.1. sets out limitations to the permitted development right. If the proposal is found to accord with Paragraph Q.1., it is necessary to go on to consider Paragraph Q.2.(1) which lists conditions under which the developer must apply to the local planning authority for a determination as to whether prior approval will be required as to the impacts of the development.
6. The Council gave the same reason for refusal in each case, namely that the works required to convert the building would go beyond those which would be reasonably necessary for the building to function as a dwellinghouse. Based on the arguments made by both parties, I surmise that the Council's position is that the proposal would not fall within the scope of works permitted under Class Q(b), which are qualified by Paragraph Q.1.(i).
7. Therefore, the main issue in each appeal is whether the change of use would be permitted development under Class Q, in particular with respect to the development permitted under Class Q(b) and the requirements of Paragraph Q.1.(i).

Reasons

8. Class Q(b) permits building operations reasonably necessary to convert the building under Class Q. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than: (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 the building operations allowed by paragraph Q.1(i)(i).
9. The Planning Practice Guidance (PPG) advises¹ that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, and that for the building to function as a dwelling, some building operations which would affect the external appearance of the building and which would otherwise require planning permission would need to be undertaken and should be permitted. The PPG goes on to state 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.
10. Reference is made in evidence to the notable judgement in *Hibbitt*² where it was held that development should not be so extensive as to amount to a 're-build' or 'fresh build', such as where the starting point is that a building is so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. The appellant argues that the circumstances in *Hibbitt* are not analogous to the present appeals, and other appeals are cited in support of the proposal, although no actual decision letters are before me, with details limited to selected drawings for some of the cases. The Council has also provided a separate appeal decision letter. Ultimately, the level of information does not enable me to establish whether any of

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

² *Hibbitt v SSCLG* [2016] EWHC 2853

these cases are directly comparable to the proposals before me, which in any event I must assess directly against the parameters of Class Q.

11. Paragraph Q.1.(i) provides for the installation or replacement of windows, doors, roofs and external walls which, taken together, could amount to the whole of the external surfaces of the building. However, it is clear from *Hibbitt* that even though installation or replacement of all of these parts of the building is permissible, if these works in combination occur to an extent that the building is in effect re-constructed, then it goes beyond a conversion and is not permitted development under Class Q(b), as the extent of replacement works means that the building was not suitable for conversion in the first place. Whether the proposal would amount to a conversion or a re-build, to use the language in *Hibbitt*, is ultimately a matter of planning judgement for the decision maker in each case.
12. A structural survey has been submitted by the appellant, including an updated version at appeal stage. This concludes that both barns are suitable for conversion from a structural viewpoint. The Council does not provide contrary technical evidence to this report, but is critical of the survey being a visual inspection only from ground level and the use of 'vague' language as to the condition of various structural elements. It is further argued that there is a lack of detail as to how the proposed construction work for each barn would be achieved. I acknowledge the appellant's point that certain works of repair within each building may not individually constitute development, but as set out above, it is necessary to cumulatively consider the totality of works for the purposes of Class Q.

Appeal A (Northern Barn)

13. The northern barn consists of a steel portal framed barn with a central, pitched roof section and two lean-to sections to either side. A further lean-to element to the northern side would be demolished as part of the proposal. Blockwork walls exist to all sides of the barn at roughly 1.5 metres high, with the south-western corner and southern side being slightly higher. Above this is vertically mounted timber boarding attached to the steel portal frame. The roof structure is composed in a combination of steel and timber beams and purlins. The roof is clad in cement/asbestos panels to the central section, and metal corrugated panels to the lean-tos. A concrete floor exists within the barn, though it does not extend to all parts and its thickness varies across the floorspace, with vegetation growing in places indicating thin sections. Openings are to the eastern elevation.
14. The appellant sets out that the existing blockwork walls and timber cladding would be retained. Windows and doors would be added as necessary to provide light and access. Based on the plans before me, the windows would either be positioned just above or inset into the blockwork walls where they exist, or set within new full height timber cladding on the northern elevation. Other works include insulation, plasterboarding and raising of the internal floor level.
15. The building is clearly designed for agricultural purposes, having a large door and largely open interior, with the exception of a block wall dividing the main space from the lean-to section on the northern side. I saw that the blockwork walls, whilst providing enclosure to the building, appeared not to be tied into the main steel frame. The timber cladding is also separate from the blockwork and appeared lightweight in form lacking any structural function, with gaps between the boards and missing boards in places.

16. There is limited detail before me as to the exact nature of the proposed construction. The structural survey acknowledges that the blockwork walls are not tied in to the steel frame, and perpendicular ties between the walls are limited, with their structural stability indicated to be provided by their thickness, short height and buttressing for longer panels. The nature of the walls' foundations is also uncertain and nowhere is it stated whether the walls are capable of supporting the proposed windows and/or the other elements required to both the lower and upper parts of the walls and the roof, namely structures to support insulation, plasterboard and potentially the doors and windows.
17. Moreover, although not proposed for removal, the Council points to the unsuitability of the asbestos panels as a material for a residential dwelling. The appellant accepts that the roof is in a poor state of repair in places, attributed to vandalism. It strikes me as unlikely that a roof composed of asbestos panels would be subject to limited spot repairs, given the inherent risks posed when it is disturbed, and in the absence of further evidence, I cannot be certain that the roof material can be safely retained.
18. Taken together, the evidence before me indicates that the proposal would require walls to be built up on all sides of the building behind the retained timber cladding to make the building weathertight and to provide the necessary insulation and internal walls. There would also be replacement cladding for missing and damaged parts to the exterior walls, notably on the northern elevation following demolition of one section of the building; replacement roof panelling and new openings on all four sides to provide doors and windows. In addition, these works would have to include measures to ensure the existing blockwork walls are suitably tied into the overall structure, and the floor slab is also indicated to require raising to address flood risk. Notwithstanding that these works may individually be necessary to achieve a habitable structure; it is my overall judgement that the building is not suitable for conversion as the totality of works required to create a habitable building would be substantial and would go beyond what is reasonably necessary to convert the building to a dwelling.
19. Therefore, I conclude that the proposal would not be limited to building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b). Consequently, the proposal would not amount to permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Appeal B (Southern Barn)

20. The southern barn is of similar construction to the northern barn in a number of respects, also being a steel portal framed building with elevations comprising blockwork walls with timber cladding above. However, it differs in that the north-eastern corner next to the main access door is open, enclosed only by a free-standing shipping container outside. Also, the southern elevation contains only a limited extent of blockwork wall, with the majority of the elevation enclosed only by external sheet metal cladding attached to large, metal framed gates that have been closed up. A stone built, lean-to structure exists to the eastern side of the barn. The roof is indicated to also be composed of cement/asbestos sheeting.
21. As with the northern barn, the evidence is that the blockwork walls are not fully tied in to the steel frame, and the timber boarding to the upper parts of the elevations was similarly lightweight in form and missing in places. However, there is notably

less extent of blockwork to this barn due to the gaps on the southern elevation and north-eastern corner. The metal gates forming the walls on the southern elevation do not appear capable of adaptation to accommodate proposed openings, but would likely have to be removed and replaced with new blockwork. Consequently, a significant amount of new construction would be required to the building to fully enclose it from the elements before internal works could be added.

22. There is a similar lack of detail before me as to whether windows and doors would be fitted onto or set into existing blockwork, or if they would have to be mounted to new structures fitted inside the blockwork. I also saw the existing metal sheeting to be installed in an ad hoc manner, suffering corrosion in places, and there is no indication that this sheeting would be capable of retention, particularly if it is required to cut into it to form new window openings as the plans indicate. This sheeting is not a material that would typically be used for a residential dwelling, and its retention appears, at least in part, to be in support of the case that the building is not skeletal. In these respects, there is insufficient information to demonstrate that the building is capable of conversion without significant additional works across the entirety of its structure.
23. Having regard to the cumulative extent of work required, including significant areas of new walls to the upper parts of each elevation and from the ground up to the southern and north-eastern corners; works to tie the existing walls into the structure and, as a minimum, replacement of broken and large sections of missing external cladding including asbestos roof panelling, it is my judgement that the building, as it stands, is not suitable for conversion as the totality of works required to create a habitable building would be substantial and would go beyond what is reasonably necessary to convert the building to a dwelling.
24. Therefore, I conclude that the proposal would not be limited to building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b). Consequently, the proposal would not amount to permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Prior Approval and Other Matters

25. In light of my findings above it is not necessary for me to further consider whether the proposals under either appeal would comply with the prior approval matters set out at Paragraph Q.2.(1), as even if I were to find the proposals in compliance with this and all other conditions, limitations and requirements under Class Q, this would not change my conclusions as to whether either appeal scheme constitutes permitted development.
26. Similarly, whilst I have had regard to other evidence before me, including comments from interested parties on various matters, I need not address these as they would not have a bearing on the outcome of either appeal.

Conclusion

27. Therefore, for the reasons set out, both appeals should be dismissed.

K Savage

INSPECTOR