
Appeal Decision

Site visit made on 29 July 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/E3715/W/25/3362161

Newton House Farm, Pilgrims Lane, Newton CV23 0ED

- 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) (GPDO).
 - The appeal is made by Mr and Mrs V Andrew against the decision of Rugby Borough Council.
 - The application Ref is R24/0952.
 - The development proposed is change of use of agricultural buildings to form 5 no. dwellings. Prior approval determination under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description of development on the application form was 'existing farm yard at Pilgrims Lane, Newton. Please see enclosed site location plan.' This description is wholly unclear and as such, I have used the description of development on the appeal form which was similar to that used by the Council in its decision notice. Given that the main parties have used similar wording to each other, I am satisfied that the parties would not be prejudiced by this.
3. On 21 May 2024, Statutory Instrument 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Transitional arrangements apply to applications submitted under previous iterations of the Order, which was the case, allowing cases to be considered under the previous version. Therefore, the changes do not affect my consideration of the appeal. Consequently, I have not invited further comments from the main parties. All references to the GPDO in this decision therefore relate to the version that was in force prior to these amendments.
4. 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. This is subject to certain criteria, and circumstances where development is not permitted which are listed under Paragraph Q.1.

Main Issue

5. Having had regard to the above, the main issue relevant to this appeal is whether the proposal would constitute permitted development as defined under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

6. Paragraph Q.1(i) of the GPDO states that the development would not be permitted by Class Q if the development under Class Q (b) would consist of building operations other than – (i) the installation or replace 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(i)(i).

7. The court held in the Judgment at Hibbitt that a building must be capable of conversion to residential use without operations that would amount to either a complete or substantial re-building of the pre-existing structure, or in effect, the creation of a new building and therefore outside the relevant Class of permitted development rights. Whilst there are differences between the scheme in Hibbitt and that before me, they both relate to conversions of agricultural buildings sought under Class Q. As such, the reasoning in the Judgment remains relevant to this appeal. The Planning Practice Guidance identifies that the permitted development right conveyed by Class Q assumes that the agricultural building is capable of functioning as a dwelling. 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.

8. There are five barns on the appeal site; three are proposed for conversion, and the other two are to be demolished. The works involved in converting two of the three barns includes partial demolition. There is no definition of what partial demolition would involve, other than it must be to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i). As such, if it is reasonably necessary for the partial demolition of a building to carry out the building operations then this would fall within the remit of this part of the GPDO. This is a matter of planning judgement based on the nature and extent of works.

9. Three dwellings are proposed to be created within Barn 2 on the appeal site. Barn 2 is a substantially sized building and the three dwellinghouses would be built within the footprint of it but the footprint of the dwellinghouses would be substantially smaller than the barn itself. Large parts of the barn would be demolished for this to be accomplished. These three dwellinghouses would form a large, detached dwelling and a pair of semi-detached properties.

10. Concerning plot 3 only a modestly sized part of a single exterior wall and a half height interior wall of the existing barn would be reused as part of this conversion with the roof to be replaced and re-profiled. Furthermore, the exterior wall to be retained only includes metal sheeting with large openings and the interior wall low level block work. The proposal would then involve partially filling in these gaps to create new openings and cladding the walls in fibre cement boarding. Except for these walls, the other exterior walls would be newly constructed to form the dwelling. Whilst the installation of exterior walls can be permitted development, other than being built within the footprint of the barn, the proposal would require the pre-existing structure to undergo a substantial re-build to function as a dwellinghouse. Similarly, plot 4 would only incorporate a small part of one existing exterior wall and a half height interior wall with the rest new built walls and roof. Whilst plot 5 would reuse small parts of two

exterior walls and a half height interior wall, the semi-detached dwellings would not follow the existing form of the barn and would require a substantial re-build of the pre-existing structure to function as dwellinghouses. Given the size of the existing barn and taking into consideration how little of the pre-existing structure would be reused to form part of the conversions, the rebuilding work would go beyond what is reasonably necessary for the conversion of the building to residential use.

11. Plot 2 would reuse parts of some of the exterior walls around barn 5 but in effect the development would create a smaller version of the existing barn, altering the roof profile to accord with the smaller footprint of the dwelling compared to the existing barn. Some of the walls have low-level block work which would be retained with new walls and roof above it. The other exterior walls would be created within the pre-existing structure and overall, little of the pre-existing structure would remain and the amount of building work proposed to convert the building would require a substantial re-build to function as a dwellinghouse. The rebuilding work would go beyond what is reasonably necessary for the conversion of the building to residential use

12. Plot 1 would be created within the full extent of Barn 3 which has a steel portal frame with concrete and brick walls up to the roof. These existing walls would be clad in fibre cement boarding and the roof replaced but it would retain the form of the existing building, unlike the other plots. Additionally, the introduction of new openings within the walls, as well as the closing up of others would result in modest alterations to the building. This would not amount to a re-build of the pre-existing structure to function as a dwellinghouse and overall, the rebuilding work would not go beyond what is reasonably necessary for the conversion of the building to residential use.

13. Internal works are generally not development, but the scheme has to be considered as a whole and the proposal includes the demolition of much of the existing exterior walls and the installation of new exterior walls. Whilst it is acknowledged that the structural survey identified that the buildings are capable of conversion and the works would allow for the buildings to function as dwellinghouses, it has not been demonstrated that the works proposed are reasonably necessary to convert the buildings to residential use. The development proposed would, regarding barns 2 and 5, require substantial re-building of the pre-existing structures to function as dwellinghouses and therefore outside the relevant Class of permitted development rights.

14. Therefore, for the reasons given above, the proposal would not constitute permitted development as defined under Schedule 2, Part 3, Class Q of the GPDO. Even if considered under the latest iteration of the GPDO the scheme would not constitute permitted development for similar reasons. Given that I have determined that the proposal would not be permitted development, it has not been necessary to consider whether it would accord with the conditions of Schedule 2, Part 3, Class Q of the GPDO with respect to the design and exterior appearance the buildings.

Conclusion

15. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley INSPECTOR