



Appeal Decision

Site visit made on 10 September 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/A3010/W/25/3366543

Barn on Gainsborough Road, North Wheatley

Grid Ref Easting: 476756, Grid Ref Northing: 386413

- 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 L White against the decision of Bassetlaw District Council.
 - The application Ref is 25/00135/PDN.
 - The development proposed is change of use of existing agricultural barn into a dwelling (Use Class C3).
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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) (the GPDO) for change of use of existing agricultural barn into a dwelling (Use Class C3), at Barn on Gainsborough Road, North Wheatley, Grid Ref Easting: 476756, Grid Ref Northing: 386413, in accordance with the application Ref 25/00135/PDN and the details submitted with it, subject to the conditions set out in the GPDO.

Preliminary Matters

2. The description of development in the banner heading above is taken from the original application form. Wording referring to the application being a notification for prior approval has been omitted, as this relates to the procedure rather than the act of development itself.
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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The transitional arrangements set out in Article 10 of the Order clarify that the amendments do not have to apply in relation to previously permitted development under Class Q of the GPDO in respect of which an application for prior approval is made before 21 May 2025, as was the case in the application subject to this appeal.
4. As neither main party has explicitly confirmed which version of the GPDO the application was submitted and assessed against, and in the absence of any evidence to indicate otherwise, all references to the GPDO in this decision relate to the version currently in force.

Background and Main Issues

5. Schedule 2, Part 3, Class Q(a) of the GPDO permits development consisting of a change of use of a building that is part of an established or former agricultural unit and any land within that building's curtilage. Additionally, Class Q(b) permits development referred to in sub-paragraph (a) together with the extension of that building, and Class Q(c) permits building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).
6. Development under Class Q is subject to a number of limitations and conditions, as set out in Paragraph Q1. These include restrictions relating to the building's current or former agricultural use, and the nature and extent of building operations proposed. The eligibility of a site therefore depends on both its current and/or historical use, and whether the proposed works fall within the scope of what is considered reasonably necessary for conversion.
7. Paragraph Q2 lists the conditions that development must comply with, including the specific considerations that the local planning authority may take into account when determining whether prior approval is required and should be granted. This includes Paragraph Q2(1)(a), which permits the local planning authority to consider the transport and highways impacts of the development.
8. Having regard to these matters and the submitted evidence, the main issues are:
 - whether the proposal would qualify as permitted development, having regard to the site's current or former agricultural use;
 - whether the extent of building operations proposed would fall within the scope of being reasonably necessary for conversion; and
 - whether the transport and highways impacts of the development would be acceptable.

Reasons

Agricultural use

9. Paragraph Q1 of the GPDO sets out limitations on development permitted under Class Q. Specifically, Q1 (a) applies to sites that are currently part of an established agricultural unit, requiring that the site must have formed part of that unit on 24 July 2023. Q1(b) applies to sites that were formerly part of an established agricultural unit, and prevents development where the site ceased to be part of the unit after 24 July 2023. Development is also not permitted if the site has been used for any non-agricultural purpose since ceasing to be part of the agricultural unit.
10. The appellant asserts that the building has historically been used for agricultural purposes, including the housing of livestock and storage of feed and machinery. At the time of my site visit, the building and surrounding area were being used for the storage of various items including metal fencing and building materials. However, there was nothing compelling to suggest that this use was unrelated to agriculture, nor was there any clear evidence of non-agricultural use since the building was last used for agricultural purposes.

11. The Council's officer report notes that officers have reason to question the current and previous usage, but this statement appears to be general in nature and lacks specific detail or evidence. Having regard to the available evidence, the site's context and my own observations, alongside the absence of any compelling indication that the site has been used for non-agricultural purposes, I am satisfied that the proposal would not conflict with the provisions of Paragraphs Q1(a) or (b) of the GPDO. The building's last lawful use appears to have been agricultural, and there is no substantive evidence to suggest otherwise.

Extent of building operations

12. Paragraph Q1 (j) of the GPDO permits certain building operations under Class Q, including the installation or replacement of windows, doors, roofs, and exterior walls, as well as the provision of services such as water, drainage, electricity, and gas, to the extent reasonably necessary for the building to function as a dwellinghouse. Partial demolition is also permitted where reasonably necessary to carry out these operations.
13. The *Hibbitt*¹ judgment held 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.
14. The building comprises two distinct parts: a sheep/hay store and a barn. At the time of my site visit, the sheep/hay store was fully enclosed and appeared to be in reasonable condition, with intact walls, a roof, and a concrete floor. The barn was enclosed on three sides and covered by a roof, with one open elevation and a bare earth floor. This structure also appeared to be in reasonable condition, with no obvious signs of structural failure.
15. The appellant has submitted a structural report which indicates that the building is of sound construction, with no evidence of instability or significant damage. Based on my own observations, I find no compelling reason to depart from the conclusions of that report. The proposed works are limited to those reasonably necessary for conversion, including the installation of windows, doors, services, and the repair and replacement of elements of the structure. The most substantial element of construction would appear to be the creation of a new wall to enclose the open side of the barn. However, given the building is substantially enclosed and appears structurally sound, and noting that the construction of walls is expressly permitted under Class Q, I find this element of the development to be minor in the overall context of the building's completeness and robustness. Accordingly, these works fall within the scope of permitted development.
16. The Council's assertion that the building is structurally unsuitable is not supported by technical evidence. Based on my site observations and the structural report, and having regard to *Hibbitt*, I am satisfied that the extent of building works proposed would fall within the scope of being reasonably necessary for conversion, in line with the provisions of the GPDO.

Transport and highways

17. The site is accessed via an existing entrance from Gainsborough Road, which appears to be a well-established and functional access point. At my site visit, I

¹ Hibbitt v SSCLG [2016] EWHC 2853

was able to drive into and out of the site without difficulty, and observed reasonably straight lines of visibility in both directions. There were no specific concerns arising when emerging from the site that would indicate a highway safety issue.

18. Although the road lacks formal pedestrian footways and is unlit, this is not uncommon in rural locations and does not, in itself, render the development unacceptable. The access arrangements appear suitable for the proposed residential use.
19. Given the established nature of the access and the site's historic use for agricultural purposes, the level of vehicular activity associated with a single dwelling, including temporary movements during the construction phase, would not represent a significant intensification compared to what could reasonably be expected in connection with the site's agricultural use.
20. In the absence of substantive evidence to the contrary, I am satisfied that the transport and highways impacts of the development would be acceptable and it would accord with the provisions of the GPDO in these terms.

Conditions

21. Paragraph Q2(4) of Schedule 2, Part 3, Class Q of the GPDO states that development under Class Q is permitted subject to the condition that it must 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 requires the development to be carried out in accordance with the approved details. Therefore, it is not necessary to repeat these requirements as conditions.
22. Additionally, Paragraph W (13) of Schedule 2, Part 3 of the GPDO sets out that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. In this instance, the Council has not suggested the imposition of any additional conditions. Accordingly, the conditions will be limited to those set out above.

Conclusion

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

P Storey

INSPECTOR