



Appeal Decision

Site visit made on 3 September 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/E2001/W/25/3368505

**Waplington Lane, Waplington, Allerthorpe, East Riding of Yorkshire, England,
United Kingdom Grid Ref Easting: 477391 Grid Ref Northing: 446813**

- 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 & Mrs Wilkinson against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/01101/AGRNOT.
 - The development proposed is described as 'Change of use of agricultural building to dwelling with associated works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants submitted the application to be assessed 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 Order) as they stood prior to 21 May 2024, as permitted by Article 10 of the amended Order. This permits 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; and (b) building operations reasonably necessary to convert the building.
3. Approval is being sought for change of use and associated building operations pursuant to Class Q(a) and Class Q(b) respectively. The Council considered the application on this basis, and I shall deal with the appeal in the same manner.
4. The appellants have submitted a 'fallback plan' in relation to the Council's concerns regarding paragraph Q.1 (h). I have had regard to it as a material consideration, however, in the interests of fairness and precision, I have considered the proposal based on the plans on which the Council has made its decision.

Main Issues

5. The main issues are whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q of the Order with particular reference to paragraphs Q.1 (h) and Q.1 (i), and if so, whether prior approval should be granted having regard to the design or external appearance of the building (Q.2 (f)).

Reasons

6. Paragraph Q.1(i) of the Order states that the development is not permitted under Class Q (b) if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and partial demolition to the extent reasonably necessary to carry out the aforementioned building operations.
7. The Planning Practice Guidance outlines the categories of work that do not amount to 'development', as set out in section 55(2) of the Town and Country Planning Act 1990, and include interior alterations such as mezzanine floors where they do not increase the floorspace of retail premises by more than 200 square metres.
8. The submitted Structural Assessment dated April 2025 (SA) indicates that the report has been prepared based on a visual inspection of the building. It indicates that the primary structure consists of a steel portal frame and is structurally sound. The 'external observations' indicate that the building was constructed in a robust way, and it does not have any damage that would restrict its conversion. Based on the 'internal observations' the main roof panes are fixed to steel purlins and appear sound and suitable for reuse. In this regard, I have considered the judgment¹ referenced by the appellants regarding the 'conversion test' with particular regard to the retention of the structural frame.
9. Whilst the report refers to 'a review of the architect's drawings', and a conclusion that there is no indication that applied loadings would increase to any significant degree from the existing, the SA does not demonstrate that the existing frame and foundations of the building are capable of sustaining the proposed works, particularly the mezzanine floor. In the absence of substantive evidence in this regard, it is not clear whether the proposed works could be achieved without significant building operations, particularly structural alterations. Therefore, I am not persuaded that the building operations needed for the proposed conversion are compatible with the Class Q permitted development right.
10. Paragraph Q.1 (h) states that development is not permitted under Class Q if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The appellants indicate that the proposed roof covering is thinner than the existing, and thus the proposed rooflight would respect the original envelope of the building. Given that the proposal would not extend beyond the external dimensions of the existing building, I find it complies with paragraph Q.1 (h).
11. Nevertheless, given my findings above regarding paragraph Q.1 (i), I conclude that the works necessary to facilitate the change of use of the building to a dwelling would not fall within the scope of that permissible under Class Q, thus the proposal is not permitted development.

Other Matters

12. Given my finding above that the proposal is not permitted development, there is no purpose in going on to consider whether prior approval should be granted having

¹ Hibbitt v SSCLG [2016] EWHC 2853 (Admin)

regard to the proposed development's design or external appearance of the building.

13. I have had regard to the benefits of the development, as outlined by the appellants. However, such benefits, particularly the economic ones and the addition to the housing stock, do not alter my conclusion above regarding the compliance of the development with the Order's requirements to classify as permitted development.

14. The appellants have referenced several appeal decisions. However, I have not been provided with copies of them, and it has not been demonstrated that the proposal is directly comparable with them. In any event, I have considered the development based on its own merits and site-specific circumstances.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Andreea Spataru

INSPECTOR