



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: 10 October 2025

Appeal Ref: APP/E2001/W/25/3365417

Manor Farm, Main Street, Asselby, East Riding of Yorkshire DN14 7HE

- 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 Potton against the decision of East Riding of Yorkshire Council.
 - The application Ref is 25/00301/AGRNOT.
 - The development proposed is conversion of an agricultural building to a residential dwelling.
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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) for conversion of an agricultural building to a residential dwelling, at Manor Farm, Main Street, Asselby, East Riding of Yorkshire DN14 7HE, in accordance with the application Ref 25/00301/AGRNOT and the details submitted with it, and subject to the additional conditions in the attached schedule.

Preliminary Matters

2. 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.
3. In this case, the appellant confirmed on the original application form that the submission was made under the version of the permitted development right as it stood prior to 21 May 2024. Accordingly, all references to the GPDO in this decision relate to that earlier version.

Background and Main Issue

4. Schedule 2, Part 3, 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). Additionally, Class Q(b) permits development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3.

5. Development under Class Q is subject to a number of limitations and conditions, as set out in Paragraph Q.1. These include restrictions relating to the nature and extent of building operations proposed.
6. Having regard to these matters and the submitted evidence, the main issue is whether the extent of building operations proposed would fall within the scope of being reasonably necessary for conversion.

Reasons

7. Class Q.1(i) of the GPDO permits building operations, provided those operations are limited to the installation or replacement of windows, doors, roofs, exterior walls, and services, to the extent reasonably necessary for the building to function as a dwellinghouse. The Planning Practice Guidance (PPG) clarifies that the permitted development right assumes the agricultural building is capable of functioning as a dwelling, and that it is not the intention of the right to allow rebuilding work which would go beyond what is reasonably necessary for conversion. In this context, 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.
8. In this case, the Council contends that the proposed works, including the replacement of the existing floor slab and the installation of a new internal framework, would be so extensive as to amount to a rebuild rather than a conversion. It is argued that the existing timber-framed structure is too minimal to support the proposed residential use without substantial new construction, and that the internal framework would be structurally independent of the existing building. The Council considers the existing agricultural building would provide little more than a shell within which the proposed dwelling would be constructed.
9. However, the structural report submitted by the appellant advises that this shell, comprising the frame, roof structure, and external walls, is in good condition and capable of supporting the conversion. The report also clarifies that the replacement of the existing slab is intended solely to provide a level surface, insulation, and damp proofing, and does not serve a structural function. Internal works such as the mezzanine floor and stud partitions are designed to be tied into the existing structure and are submitted as being typical of barn conversions.
10. My observations at my visit broadly aligned with the conclusions of the structural report. In this context, the retention and use of a structurally sound shell is not inherently unacceptable. The PPG explicitly states that internal works, including floors and mezzanines, are not generally considered development and may be appropriate to enable the building to function as a dwelling. The GPDO does not require the building to be fully formed as a dwelling prior to conversion, only that it would be capable of functioning as one with reasonably necessary works. Accordingly, I find that the proposed works fall within the scope of development permitted under Class Q.
11. Having regard to the evidence submitted and my observations at my visit, the building appears to be robust and in reasonable condition. The main structural elements would be retained and utilised in the conversion, and the proposed works

¹ *Hibbitt v SSCLG* [2016] EWHC 2853

would not involve the substantial replacement of the building's fabric. Having regard to the provisions of the GPDO, the PPG and *Hibbitt*, the cumulative extent of the works would not amount to the creation of a new building, and would instead fall within the scope of operations reasonably necessary to facilitate the building's conversion to residential use.

12. The Council has referred to previous appeal decisions in support of its position. However, full details of those decisions and the specific development proposals involved have not been provided. Without full sight of the context surrounding those cases, it is difficult to attach significant weight to them. Therefore, these considerations do not alter my previous findings.
13. Accordingly, the proposed development complies with the limitations set out in the GPDO and the PPG.

Other Matters

14. The Council has referred to the potential impacts of the proposed development on European Sites, noting that mitigation may be required, such as a contribution to the Humber Strategic Access Management and Monitoring Strategy (SAMMS) or the implementation of a bespoke mitigation scheme.
15. However, Article 3(1) of the GPDO makes clear that the grant of planning permission under Class Q is subject to the provisions of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Regulation 77 of the Habitats Regulations effectively provides a pre-commencement condition, requiring that where development is likely to have a significant effect on a European Site, it must not begin until the local planning authority has undertaken an appropriate assessment and provided its approval.
16. Whilst the main parties should be aware of this requirement, it is not necessary to consider the matter further as part of this appeal. The Habitats Regulations provide a clear mechanism to ensure that development permitted under Class Q will not proceed unless it can be demonstrated that it will not adversely affect the integrity of a European Site. Accordingly, this issue does not affect the determination of the appeal.

Conditions

17. Paragraph Q.2(3) 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.
18. 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.
19. I have considered the 7 conditions suggested by the Council against the provisions of the GPDO, particularly those matters that may be considered under an application for prior approval. I have also assessed them against the relevant tests for planning conditions as set out in the National Planning Policy Framework (the

Framework) and the PPG. Where necessary, I have omitted or amended conditions to ensure compliance with these provisions.

20. Condition 1 relates to the statutory time limit set out under the GPDO and does not need to be repeated.
21. Condition 2 requires development to be undertaken in accordance with a Preliminary Roost Assessment Report submitted in support of the application, to address impacts on wildlife, and in particular protected species. Although such ecological considerations are not explicitly listed among the matters for prior approval under Class Q, there remains a statutory duty to ensure that protected species are not harmed. In this context, I consider the imposition of this condition reasonable and necessary, and consistent with the requirements of the GPDO.
22. Condition 3 relates to effects on European Sites previously noted. As this is already addressed by the GPDO and the Habitats Regulations, this condition is not necessary.
23. Condition 4 requires the submission of additional details for vehicular access and parking. Whilst I note the comments of the local highway authority, details of parking and access are already shown on the approved plans. Based on the submitted evidence and my observations at my visit, I am not persuaded of significant parking or highway safety concerns that would necessitate the submission of further details. I am therefore satisfied that a condition requiring the access and parking to be laid out in accordance with the approved plans prior to occupation would be sufficient. Condition 5, which requires the submission of cycle parking details, remains necessary as this information has not yet been provided. It is sufficient to require these details prior to occupation, rather than pre-commencement. As both conditions relate to matters explicitly identified for consideration under the prior approval process, their imposition is reasonable and necessary.
24. Condition 6 places limitations on hours of construction, demolition, conversion and deliveries. Whilst this relates to the noise impacts of the development, which are listed under the prior approval matters, I am not persuaded that such restrictions are necessary in this instance, given the limited scale of development and controls that exist through other regulatory regimes.
25. Finally, condition 7 relates to the approved plans, which are already addressed through the provisions of the GPDO. This condition is therefore not necessary.

Conclusion

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

P Storey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The biodiversity enhancements set out in sections 6.6 and 6.7 of the Preliminary Roost Assessment (Futures Ecology, December 2023) shall be installed prior to the first occupation of the dwelling hereby approved and retained thereafter.
- 2) The dwelling hereby approved shall not be occupied until the vehicular access and parking areas have been provided in accordance with the details shown on the approved plans.
- 3) The dwelling hereby approved shall not be occupied until details of covered and secure cycle parking facilities for the use of occupants and visitors have been installed in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. The cycle parking shall be retained thereafter for the use of occupants and visitors.

**** End of conditions ****