



Appeal Decision

Site visit made on 9 September 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/J1860/W/25/3364410

Gray's Farm, Off Malvern Road, Powick WR2 4SP

- 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 P Gray against the decision of Malvern Hills District Council.
 - The application Ref is M/25/00091/GPDQ.
 - The development proposed is described as: Change of use of an Agricultural Building to 2 Dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion.
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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 the Change of use of an Agricultural Building to 2 Dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion at Gray's Farm, Off Malvern Road, Powick WR2 4SP in accordance with the application M/25/00091/GPDQ and the details submitted, including plan no's 4641-01A, 4641-02B, 4641-03B, 4641-04D, 4641-05D, 4641-06B, Location Plan, Supporting Planning Statement January 2025, Structural Survey, Transport Note, Ecological Survey Report, Method of Construction Statement and subject to the following condition:
 1. Prior to occupation of the dwellings hereby approved, a vehicular access to the dwellings and an area for the parking of 2 cars within the curtilage of each dwelling shall be provided, surfaced, and drained in accordance with details to be submitted to and approved in writing by the local planning authority. The access and car parking area shall thereafter be maintained in accordance with the approved details.

Application for costs

2. An application for an award of costs was made by Mr P Gray against Malvern Hills District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. I have amended the description of development in the heading above to remove elements which are not development or are superfluous.
4. The plans show two barns which are not referred to in the description of development outlined above. As such, whilst the submitted evidence indicates that the appellants wish to demolish these buildings, and the parties have referred to

them in their submissions, they are outside the scope of this appeal and have not been taken into account in my assessment.

5. On 21 May 2024, Statutory Instrument 2024 No 579 (the SI) 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 Order). Article 10 sub paragraph 1 of the SI allowed a transitional period until the end of May 2025 whereby an application for determination could be determined under the original or amended Class Q of the Order. The appellant has indicated that they sought consent under the Order as it stood after 21 May 2024. The Council considered the application on that basis and so shall I.

Background and Main Issue

6. Under Article 3(1) and Schedule 2, Part 3, Class Q, of the Order, development is permitted for the 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) together with building operations reasonably necessary to convert that building, subject to certain limitations and conditions.
7. Paragraph Q1 of the Order provides a list of exclusions as to when development would not be permitted by Class Q. In this regard the Council's case is that the proposal includes substantial demolition that would exceed that permitted under paragraph Q1 (j) (ii) 'partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q1(j)(i)'.
8. For all matters identified under paragraph Q2, it was concluded that the prior approval of the Council would not be required.
9. Consequently, the main issue is whether the proposed development would constitute permitted development in respect to Class Q and paragraph Q1(j) (ii); and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

10. The appeal building is a six-bay steel portal framed barn with concrete floor and a combination of concrete panels, timber boarding and corrugated sheets to the walls and a fibre cement sheeted roof. The barn is no longer part of an established agricultural unit and does not serve an agricultural use. The proposed development would overclad the barn with new insulated metal cladding and the openings would be replaced with partially glazed doors, incorporating windows in each elevation. The northern section of the barn, comprising 3 steel portals, would be demolished.
11. Other than in relation to Q1(j), there is no dispute that the works necessary to convert the building would go beyond what is set out in paragraph Q1. I see no reason to come to a different conclusion.
12. Turning to Paragraph Q1(j) 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". Partial demolition, as found at Q1(j)(ii) is also allowed "to the

extent reasonably necessary to carry out building operations allowed by paragraph Q1 (j) (i)".

13. Moving to the point regarding demolition, from Q1 (j) (ii) the proposed demolition presents two considerations. Firstly, the demolition must be "partial" and secondly, it must be "reasonably necessary to carry out the building operations." The proposed development would see the conversion of an agricultural building into two separate dwellings. The building is structurally intact. Although internal and external cladding would be added to the building, the original steel frame would remain and would continue to provide a primary structural role.
14. Consequently, whilst three of the six steel portals of the original building would be demolished, along with the removal of three sections of corrugated roof panels, this would not represent complete demolition. It would therefore constitute only partial demolition.
15. The Order does not provide any qualification or interpretation of 'partial demolition' except as far as it relates to enabling the building operations allowed. I accept the appellant's argument that it is reasonable to apply an ordinary meaning to the word, and in this context the demolition to be undertaken would only remove parts of the building. As part of the building would remain it cannot be concluded as a matter of fact that the building would be fully demolished.
16. The second consideration is whether the proposed demolition works relating to the building's conversion are "reasonably necessary to carry out the building operations." The proposed demolition would allow natural light into the front facing habitable bedrooms and study rooms. The level of natural light to these habitable rooms would be minimal if the part of the barn to be demolished were to stay. The demolition proposed also enables the maintenance of the external aesthetic that represents the building's agricultural form and character, with minimal new window and door openings proposed. Also, the area following demolition, would subsequently provide the required parking area for the two dwellings. As such, the demolition works relating to the building conversion are deemed to be proportionate and therefore accepted as being reasonably necessary.
17. I therefore conclude that the proposed development would meet the definition of partial demolition that is reasonably necessary to conduct building operations required by paragraph Q1 (j) (ii) of the Order. As there is no dispute about any other matter, the proposed development would accord with Schedule 2, Part 3, Class Q of the Order.

Other Matters

18. The proposed access is shown running through a further two buildings, one of which the Council has identified as a non-designated heritage asset. However, the description of development does not include the demolition of these buildings within the proposal. Whilst I acknowledge that their demolition would be permitted development under Schedule 2, Part 11, Class B of the Order, this requires the prior approval of the Council which does not appear to have been sought or given. I have not therefore considered them in my assessment, and it is unnecessary for me to assess this further. Furthermore, access to the proposed dwellings can be achieved without requiring the demolition of the two barns.

19. Powick Parish Council objected to the proposal in relation to the highway access to the site which is narrow with few passing places. Whilst narrow, the access serves only a limited number of dwellings within Gray's Farm and the adjacent agricultural fields. As such, there is unlikely to be significant traffic using the highway access to the site and, whilst there are only a few passing places along its length, these would be sufficient. Consequently, this aspect of the proposed development is acceptable.
20. The Parish Council also raised concerns regarding light pollution, amenity space and curtilage, and that environment benefiting features should be installed. However, these concerns sit outside of the requirements for an assessment of the proposed development under Class Q of the Order.

Conditions

21. The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other aspects. I have considered the conditions put forward by the Council against the Framework.
22. Paragraph W (13) of the Schedule 2, Part 3 of the Order states that conditions which are "reasonably related to the subject matter of the prior approval" may be applied. Suggested condition no.1 relating to unexpected contamination is not considered to be necessary. Had the Council raised concerns relating to the appeal site being subject to contaminated land when the proposed development was assessed under paragraph Q2, either information regarding the risks and outlining any mitigation should have been requested in accordance with paragraph W(9) of the Order, or if determined to be identified as contaminated land, prior approval should have been refused in accordance with paragraph W(10) (c) (ii) of the Order.
23. Suggested condition 2 requiring a programme of archaeological work relating to the demolition of the identified non-designated heritage asset is also not considered necessary or relevant. As the demolition of the non-designated heritage asset falls outside of this appeal, a condition relating to the recording of the building prior to its demolition is not required.
24. The Council has also suggested a condition requiring the provision of secure parking for bicycles. I do not consider this necessary as the occupier of each dwelling, if requiring secure bike storage, has the space to provide this within the dwelling's curtilage.
25. Access to the proposed dwellings can be provided using the access to the barn as currently exists on site. However, this access is not surfaced and drained to an appropriate level that would be suitable for residential development. I therefore consider it necessary to restrict occupation of the dwellings until access and the parking area for the dwellings has been provided, surfaced, and drained in accordance with details to be submitted and approved in writing by the local planning authority.
26. Sub-paragraph W (12) of Schedule 2, Part 3 of the Order identifies that development must be carried out in accordance with the details provided in the application. Consequently, a plans condition is unnecessary in this instance.

Conclusion

27. I conclude that the appeal should be allowed, and prior approval is granted. In granting approval, the Appellant should note that in accordance with paragraph Q.2.(3) of the Order, the appeal development must be completed within a period of 3 years of the date of this decision.

P Brennan

INSPECTOR