



Appeal Decision

Site visit made on 10 September 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/J3720/W/25/3368687

Hall Farm, Spring Lane, Langley, Warwickshire CV37 0HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) 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 GPDO).
 - The appeal is made by Ms C Clifton against the decision of Stratford-on-Avon District Council.
 - The application Ref is 25/00875/COUQ.
 - The development proposed is notification for prior approval for the proposed change of use of an agricultural building to residential (Class C3) and associated operational development to create 1no. dwelling at Hall Farm.
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Decision

1. The appeal is dismissed.

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 GPDO. The amending order provided transitional provisions where prior approval applications could be made in respect of the old Class Q legislation until the end of 20 May 2025. The application subject to this appeal was submitted to the Council prior to that date and was determined under the old Class Q legislation. I shall determine the appeal on the same basis.
3. The old Class Q legislation 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; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouse) of the Schedule. This is subject to limitations and conditions.

Background and Main Issues

4. The Council considers that certain building operations that have taken place at the appeal building are unlawful, contrary to Article 3(5) of the GPDO. Article 3(5) states that permission granted by Schedule 2 does not apply if, in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful.
5. Furthermore, in the Council's view, the proposal would not meet the provisions of paragraph Q1(g) of the GPDO in that these building works have been undertaken since 2020.

6. It is also claimed by the Council that the building works have been carried out to facilitate the proposal and the stipulations of paragraph W(11) in Part 3 of Schedule 2 of the GPDO have not been satisfied.
7. Therefore, the main issues are whether the proposal would be permitted development under Article 3 and Schedule 2, Part 3, Class Q of the GPDO, with particular reference to previous building works, and whether works have been carried out to facilitate the Class Q proposal.

Reasons

Whether permitted development

8. The appeal building is a detached single storey steel portal-framed building with a dual pitched roof and concrete panels and metal cladding to the walls.
9. It is indicated that the building was constructed in the 1970s as an agricultural store for produce and machinery. The appellant contends the building remains as when it was originally constructed in terms of size, scale, siting and framework. I observed on site that the building's roof and what I could see of the steel frame looked likely to have been in situ for a considerable period of time. However, the metal cladding and concrete panels to the walls, including the recessed wall with a personnel door, appeared as relatively recent alterations. The roller shutters to the north elevation and within the recessed wall are also recent interventions.
10. Photos and images taken in relation to different and older applications clearly show the building with its former metal cladding to the walls that reached the ground to its north and south elevations. There is a marked contrast between how the appeal building previously looked and its current appearance. The replaced metal cladding to the walls now sits on top of concrete panels to the north and south elevations. There is now also a noticeably large opening to the north elevation with a roller shutter door.
11. It is claimed these recent works were undertaken as general repair and maintenance to the building and in order to improve security.
12. I am mindful of Section 55(2)(a) of the Act, which excludes from the definition of development works for the maintenance, improvement, or other alteration of any building which (i) affect only the interior or (ii) do not materially affect the external appearance of the building. Notwithstanding that the size and position of the barn have not changed over time, the changes previously undertaken to the exterior of the building are not minor and could reasonably be described as having materially affected the external appearance of the building.
13. In conclusion, these works go above and beyond the reasonable understanding of general repair and maintenance, and I have found that they are not small scale and have materially affected the external appearance of the building. Consequently, these works constitute development as set out in Section 55(2)(a) of the Act. As there is nothing before me to show that these works have obtained the necessary approval or that the time period for enforcement action has expired, the appeal proposal is not permitted development under Article 3 and Schedule 2, Part 3, Class Q of the GPDO.

Works to facilitate a Class Q proposal

14. The structural survey in support of the application indicates that the existing building is capable of being converted to residential use, though the Council contests that this may not have been the case if the building works had not taken place.
15. I note that a previous proposal to convert the building was partly refused on the grounds that the extent of building works was not considered reasonably necessary for the building to function as a dwellinghouse.
16. However, there is no substantive evidence before me to demonstrate that the works previously carried out at the site by the appellant were to facilitate the Class Q proposal. Nevertheless, that finding does not lead me to an alternative conclusion on the other main issue.

Conclusion

17. For the reasons set out above, the appeal is dismissed.

P Barton

INSPECTOR