



Appeal Decision

Site visit made on 20 October 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal Ref: APP/J3720/W/25/3370151

Drayton Farm, Alcester Road, Stratford-upon-Avon, Warwickshire CV37 9RQ

- 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), 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 A P Francis Builders Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref is 25/01177/COUQ.
 - The development proposed is prior approval for the change of use of agricultural buildings to 3no. dwellinghouses and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised elevation plan (drawing 720-26 Rev A) which includes an annotation regarding the extent of building materials which would be retained. This does not represent an amendment to the proposal, and the Council has had the opportunity to comment on this plan. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to this drawing in determining this appeal.
3. On 21 May 2024, Statutory Instrument 2024 No 579 (SI No 579) came into force amending Class Q of Part 3 of the General Permitted Development Order (the GPDO). Transitional arrangements were put in place which are applicable to the consideration of this proposal. This means that Class Q as it was prior to the introduction of SI No 579 is the basis for the determination of this appeal.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO 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 limitations and conditions.
5. The Council refused the application as it considers that the proposal does not meet the requirements of Class Q in relation to the extent of the proposed curtilage of the dwellings. The Council also contends the proposal is not permitted development under Paragraph Q.1(j) on the basis that the extent of the building operations would go beyond those reasonably necessary for the building to function as a dwellinghouse. In the event development is permitted, Paragraph Q.2 requires that the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required for prior approval matters

set out in sub-sections (a) to (g). The Council refused to grant prior approval for (d) flooding risks on the site. I shall formulate the appeal's main issues accordingly.

Main Issues

6. The main issues are whether the proposal would constitute permitted development in relation to the extent of the proposed curtilage and the building operations, and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted in relation to the flooding risks on the site.

Reasons

Whether permitted development

Curtilage

7. The proposal relates to 2 barn buildings referred to as barns 7 and 9. It is proposed that barn 7 is subdivided to form 2 dwellings and barn 9 converted to one dwelling. The location and block plans include a red line around the appeal buildings and an area beside them. The proposed site plan shows that part of this land would be used to provide a parking courtyard providing 2 parking spaces for each dwelling and a pathway providing access to the dwellings in barn 7.
8. The Council's statement sets out that the proposal would conflict with Class Q in relation to the extent of the curtilage of the proposed dwellings. It considers that the parking area, courtyard and footpath associated with the dwellings would form part of their curtilage, and that, taking these areas into account, the curtilage associated with each dwelling would exceed the land area occupied by the associated agricultural building. Given this, it is stated that the proposal would conflict with the interpretation of curtilage set out in Q3(1)(b) which clarifies that for the purposes of Class Q, curtilage means an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.
9. However, there is no indication that the parking spaces, courtyard or path would form part of the primary residential amenity space, in particular given the shared nature of the path, communal nature of the courtyard and the separation of the parking for plots 3 and 5 from the dwellings the spaces would serve. Whilst the proposal isn't supported by a plan showing a definitive extent of the curtilage proposed, there is no indication that these spaces would form part of the curtilage of the dwellings. Given this, I am satisfied that the curtilage of the dwellings would be limited to the gardens surrounding the buildings as shown on the proposed site plan, which would not exceed the land area occupied by the associated building. In this regard the proposal differs from the appeal decision to which I have been directed¹ in which the Inspector found the courtyard and parking area would function as part of the curtilage.
10. The curtilage of the dwellings would be no larger than the land area occupied by the agricultural building. Given this, I am satisfied that there would be no conflict with the interpretation of curtilage set down in Q3(1)(b) and that the proposal complies with the provisions of Q(a) of the GPDO in relation to the extent of the buildings curtilages.

¹ APP/P1425/W/16/3163582

Extent of building operations

11. The GDPO states that development under Class Q(b) is not permitted if it would consist of building operations other than Q.1(j)(i) 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 dwelling house. The Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
12. Neither the GDPO nor the PPG define the term 'reasonably necessary'. It is established in case law², to which my attention has been drawn and to which I have had regard, that if the works go beyond what amounts to a conversion, and represent a rebuild, then the scheme would not comprise permitted development. What represents a conversion or rebuild is not defined and thus is a matter of planning judgement based on fact and degree of an individual case.
13. Barn 7 is a steel frame Dutch barn, open on one side, with a curved main roof and a lean-to structure to the front which it is proposed to remove. The roof is covered with corrugated sheeting and walls are partly blockwork and partly clad with corrugated sheets and timber boarding. The structural feasibility report (SR) states that this barn and its structural columns are generally in good condition and the masonry walls are capable of retention. Isolated defects in the roof sheets and blockwork are identified which it is stated can be repaired. It is stated that there is no evidence of defects in the foundations. The proposed elevations plan clarifies that all external cladding and blockwork on the roof and wall would be retained.
14. Barn 9 is a steel frame Dutch barn with a curved roof. The barn is open on one side, and the roof and walls are clad with corrugated sheets. It is stated that the existing structure is generally in a good condition, and the existing roof trusses and purlins could be reused. The SR sets out that the roof covering shows signs of deformation and displacement and that major deformation, displacement and corrosion is visible in the wall cladding. No significant structural defects were observed indicating that there is likely to be any shortcomings in the foundations.
15. The SR clarifies that both barns are capable of conversion without new structural elements. Consequently, taking account of the evidence presented, I have no clear reason to find otherwise that the existing buildings are structurally strong enough for conversion without significant structural interventions. The overall form and scale of the existing buildings would be retained with modest redesign, remodelling and demolition to facilitate their conversion. Notwithstanding that the buildings have some open sides; the proposed works do not represent either substantial rebuilding of the structures or fresh new builds. Consequently, I consider that the works would fall within the remit of a conversion and not a rebuild.
16. Accordingly, the works would be reasonably necessary to convert the buildings to dwellings and would not exceed the limitations set out in paragraph Q.1(j).

² Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

Whether permitted development

17. Drawing on the above, I conclude the proposed development falls within the permitted development rights under Class Q(a) and (c) of the GPDO.

Prior Approval-flooding

18. Where the proposed development would be permitted development under Class Q(a) together with development under Class Q(c) development is permitted subject to the condition that before beginning development, the developer must apply to the Local Planning Authority for a determination as to whether prior approval will be required on a number of matters set out in paragraph Q2.(1). The Council refused permission in relation to the flooding risks of the site.
19. The PPG states that proposals that are likely to increase the number of people living in areas of flood risk require careful consideration, as they could increase the scale of any evacuation required, and that changes of use can increase the vulnerability of the development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding.
20. The proposal would result in a change of use of the buildings from agricultural to residential use, replacing a 'less vulnerable' land use with a 'more vulnerable' one. The submission is supported by a Flood Risk Assessment (FRA) which clarifies that the vehicular access to the site lies within an area of high risk of surface water flooding. Given this the FRA clarifies that the escape route from the site during a flood event could involve up to 300mm of flood water.
21. Whilst it is stated that a vehicle could pass through such flood water levels, I cannot be assured that future occupiers would have access to a vehicle at all times or that this passage would be achievable for all vehicles. Given this, occupiers of the dwellings could become stranded. The change of use would increase the vulnerability of the buildings and the number of people living in an area of flood risk. Given this, whilst the access arrangements would remain the same, the proposal would result in a greater risk from flooding and its consequences to the intended occupiers.
22. The proposal fails to provide appropriate escape routes for future occupiers during a flood event. Therefore, it would not be acceptable with regards to flood risk, contrary to the requirements of condition Q.2.(1)(d).

Conclusion

23. The proposal would be a development of the type permitted in principle by Class Q and would satisfy the limitations of Paragraph Q.1. However, I have found that the proposal would not be acceptable with regards to the flood risk on the site, and that consequently the proposal would not meet condition Q.2.(1)(d). Prior approval should not therefore be given. For these reasons, and having regard to all other matters raised, the appeal is dismissed.

N Robinson

INSPECTOR