



Appeal Decision

Site visit made on 7 October 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/Z1510/W/25/3371037

Barn on land off Moat Farm Road, Plaistow Green, Halstead, Essex CO9 1RP

- 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 Executors of the late Patricia Taylor against the decision of Braintree District Council.
 - The application Ref is 25/00415/COUPA.
 - The development proposed is described as 'Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 1No. residential dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development proposed above from the Council's decision notice as no description has been provided in the application form.
3. 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) (GPDO). Due to transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO that applied at the time the application was made. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

Main Issue

4. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, specifically;
 - Whether the required building operations are to the extent reasonably necessary to carry out the conversion of the building to comply with Paragraph Q.1(i) of the GPDO.
5. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.

Reasons

6. Paragraph Q.1(i) explains that development is not permitted by Class Q if, the development under Class Q (b) 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, and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
7. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. 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. Accordingly, 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 right.
8. Both main parties have referred to the judgement in *Hibbitt v SSCLG* [2016] EWHC 2853 which relates to the difference between conversions and rebuilding dealt with under Class Q. This suggested that an agricultural building may be so skeletal and minimalist that the works needed to alter it to be used as a dwelling would be of such a magnitude that it would be tantamount to a new build or rebuild as opposed to a conversion. Furthermore, the Hibbitt case highlights that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.
9. My site observations confirmed that the barn is a steel and timber-framed structure with profiled steel roof sheeting. It does not have a floor slab, with the surface made up of a mixture of hardcore and broken up materials. Furthermore, the barn does not have any original walls, with two sides being completely open. Indeed, the appellant's own structural assessment (SA) confirms that some 'old' sliding barn doors have been propped against the southern elevation and south western corner of the barn. It goes on to explain that these are simply propped against the main timber frame and loosely held in position via 'random' spare timbers. The SA also confirms that the existing structure is only capable of supporting its own existing weight and that the existing roof can only carry its lightweight sheeting. As such, these do not, in my view, provide a robust framework capable of supporting the proposed conversion.
10. Furthermore, a large number of works that are required for the proposed conversion are listed in the SA. These include a new floor slab, new load bearing internal framed walls and external enclosing walls, and a new timber framed roof. Individually, the works for each of the above identified components may be permissible under the terms of paragraph Q.1(i)(i) of the GPDO. However, in my judgement, and based on the evidence before me, the totality of the proposed works would go beyond the extent reasonably necessary for the building to function as a dwellinghouse and would be tantamount to a significant rebuild rather than a conversion.
11. Accordingly, it would exceed the limitations set out in Paragraph Q.1(i) of the GPDO and does therefore not constitute permitted development.

Other Matters

12. Several appeal decisions have been referred to me which have permitted the change of use of agricultural buildings to dwellings. Whilst I have had regard to these decisions in reaching my findings, each application and appeal must be determined on its own merits. The conclusions reached by the Inspectors in these appeals involved the exercising of planning judgement, which is what I have done in this case.
13. It has been put to me that the proposal would maintain its agricultural character, would comply with the Technical Housing Standards – Nationally Described Space Standard (March 2015) and would align with guidance in Paragraph 84 of the National Planning Policy Framework. However, my consideration of the case is solely limited to matters set out in the GPDO.

Conclusion

14. For the reasons given above, I therefore find that the proposed development would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and that the appeal should be dismissed.

Mark Caine

INSPECTOR