



Appeal Decision

Site visit made on 23 September 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/Q3115/W/25/3366845

Dutch Barn at Manor Farm, Brookstones, Sydenham OX39 4LZ

- 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 J Quesnel against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S3577/N4B.
 - The development proposed is described as: Application to determine whether prior approval is required in respect of transport and highway impact, noise, contamination risk, flooding and locational considerations for the conversion of a disused barn last used for the purposes of agricultural into a dwellinghouse (Class Q(a)) and in relation to design and external appearance of the building (Class Q(b)).
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Decision

1. The appeal is allowed, and prior approval is granted for conversion of the existing building into one dwelling at Dutch Barn at Manor Farm, Brookstones, Sydenham OX39 4LZ in accordance with the terms of the application, Ref P24/S3577/N4B, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr J Quesnel against South Oxfordshire District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. 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). Article 10 sub paragraph 1 of the SI allowed a transitional period until the end of May 2025 whereby an application could be determined either under the original or amended Class Q of the Order. The appellant has indicated that they sought consent under the Order as it stood prior to 21 May 2024. The Council considered the application on that basis and so shall I.
4. Prior approval has previously been granted for conversion under Class Q (P21/S2243/N4B). However, this approval has expired but remains a material consideration in my assessment of the proposal. The appeal includes within its evidence a structural survey, which did not form part of the previously approved Class Q application. As agricultural buildings will deteriorate over time, and despite the previous approval, it is necessary for me to consider whether the current building remains capable of conversion.

Background and Main Issue

5. The application was made under Article 3(1) and Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as of August 2020), as amended (hereafter referred to as 'Class Q'). This 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; and (b) building operations reasonably necessary to convert the building subject to certain limitations and conditions. Consent is sought pursuant to Class Q(a) and Class Q(b).
6. Paragraph Q1 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 proposed building operations are more than those reasonably necessary to convert the building, in conflict with Class Q1(i)(i).
7. For the matters concluded under paragraph Q2 of Class Q, it was concluded that the prior approval of the Council would be required in respect of contamination risks on the site.
8. Consequently, the main issue is whether the proposed development would constitute permitted development in respect to Class Q and paragraph Q1(i)(i); and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

9. The appeal building is a lightweight steel framed barn with an arched roof which spans from front-to-rear. The roof and 3 sides are clad with corrugated metal sheeting which is supported on purlins and cladding rails. These are supported by 5 portal framed structures. The appellant's structural report indicates that the structural form and the load bearing elements of the building are suitable for conversion to a dwelling. The main structural elements represent a permanent and substantial construction and can be retained without demolition of the main structural components or extensive reconstruction. There is no base slab to the structure, and the floor is formed of simple loose earth.
10. The building has a small area of the roof missing; the wall cladding has significant corrosion holes to various areas and there are sections of the cladding which are loose or are not appropriately fixed. However, despite localised areas of corrosion found to the base of the front right-hand column, the structural report concludes that the barn is structurally sound and suitable for conversion. The Council's decision was informed with input from a Building Inspector. Whilst there would be a need for some localised repairs to the structural column, I have no reason to disagree with the findings of the structural report, and the balance of evidence leads me to the view that the building is suitable for conversion.
11. Advice on the interpretation of Class Q is contained within paragraph 105 of the Planning Practice Guidance (PPG). It advises that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. The guidance also draws attention to relevant caselaw in *Hibbitt and Another v SSCLG (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)* (*Hibbitt*) on the difference

between conversion and a rebuild. The latter would not be permissible under Class Q, but the judgment in each case is one of fact and degree. There is no indication that the works necessary to convert the building would go beyond the criterion within paragraph Q1, apart from exclusion Q1(i).

12. Paragraph Q1(i) 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”. On the matter of building operations, the PPG states that such works may include the installation or replacement of doors, roofs, and exterior walls.
13. The proposed elevations identify that the existing corrugated sheeting to the walls and roof would be renewed with black metal sheets. The accompanying structural survey identifies that the barn will require localised repair using matching materials as the existing cladding was found to be in fair to poor condition. There are significant corrosion holes to various areas of the cladding alongside some sections that are loose or not appropriately fixed. No certainty of retention of the existing cladding or roofing material being retained is provided and a considerable proportion, is likely to be replaced. However, the cladding is not a structural element of the building.
14. An external membrane on sheathing board alongside mineral wool insulation would be fixed to the main structure behind the external cladding. This would be held in place via a lightweight metal stud framing system that would be fixed to the existing frame of the barn. The internal insulation and plasterboard walls would then be attached to the new framing system which would sit on a new floor slab. An additional wall, with the existing steel frame supporting the external skin of the cladding on the existing steel frame and the internal insulation sitting on the ground floor slab, would be created on the current open side to match the existing barn. This framing system would remove the need for new concrete strip foundations to support the walls.
15. New doors and windows would be provided in the new wall and the existing west facing elevation. The provision of these elements, the replacement cladding where necessary and the associated building operations, would be reasonably necessary for the building to function as a dwellinghouse as allowed in Class Q.
16. Other operations to convert the appeal building to a dwellinghouse would include new internal walls, a new concrete floor slab and a new internal standalone steel framed structure to provide a first floor to the dwelling.
17. The PPG indicates that internal works are generally not development and that, for a building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. There is no restriction on whether the internal works are structural or not, and the operations do not need to be demonstrably essential in order to be found 'reasonably necessary'.
18. The building operations being proposed are reasonably necessary for the building to function as a dwelling house and they fall squarely within the parameters of Paragraph Q.1(i). Class Q does not specify that the conversion must enable the original space to remain legible, nor does it prevent freestanding internal elements

being constructed or floor slabs being laid. I accept that the work required would be relatively extensive, but this does not disqualify the development from automatic permission. This is not however determinative since there may be circumstances where the sum total of works amounts to a rebuild, thus taking the proposal outside the scope of Class Q.

19. In this and the above regards, I do not see sufficient similarities with the *Hibbitt* case, particularly in relation to the distinction between conversion and rebuild. I am also cognisant of the fact that where one becomes the other is a matter of judgement based on the specifics of the case. In this regard, sufficient structure would be retained to convince me that the proposal should qualify as a conversion rather than a rebuild.
20. Taking into consideration that the proposal has previously been granted prior approval under Class Q, and the importance of consistent decision making; and, that the structural report identifies that the existing building is structurally sound, I am satisfied that the building is suitable for conversion to a dwelling.
21. The Council is satisfied that the proposal complies with the other restrictions and limitations specified in Paragraph Q.1. Based on the information provided, I have no reason to take a different view. I therefore conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
22. The Council does not raise any objections in relation to the transport and highways impacts of the development, noise impacts, contamination risks, flooding risks on the site and the design or external appearance of the building. Based on the information before me, I have no reason to take a different view.
23. Although the Council state that prior approval is required in respect of contamination risks on the site, they confirm that such matters could be addressed by condition. I find no reason to conclude that a suitably worded condition could not adequately address any potential land contamination concerns. Consequently, I find that prior approval, in the context of Class Q.2, is not required.

Other Matters

24. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, has special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
25. However, the s66(1) duty as outlined above, does not generally apply to prior approval applications because Article 3(1) of the General Permitted Development Order grants planning permission. Nonetheless, where the prior approval matters include amenity, siting or location, or design and external appearance, the impact of a development on the setting of a listed building will need to be considered as in this case under Class Q2 (e and f).
26. The appeal property is located within the setting of the Grade II listed Manor Farmhouse. The property is 17th Century with later additions. The building's significance relates to its historic and architectural interest due to its traditional

roughcast farmhouse appearance with tiled half-hipped roof, tripartite sashes, and open fireplaces. The proposed development's location and external appearance are not in dispute and the proposal would retain its agricultural scale and appearance. On this basis, I consider that the proposal would not harm the setting of the heritage asset, thus preserving its significance.

27. The Council has drawn my attention to four appeal decisions relating to the conversion of barns. Two of the decisions relate to an application for planning permission and as such, differ to the proposed development. The other two decisions, in Wingrave and Fareham, were dismissed on the basis that the works were considered to be a rebuild rather than a conversion and therefore went beyond the works considered reasonably necessary.
28. I acknowledge that there is a reasonable expectation for consistency in decision making. However, the evidence before me as to why the appeals were dismissed is limited and I cannot be certain that the buildings were of a similar condition to the appeal building or that the proposed works were similar in nature and scale. In any event, each case should be determined on its own merits, having regard to the particular circumstances. In this case, I have considered the evidence before me and my own observations noting that the judgement regarding the distinction between conversion and rebuild is a matter of fact and degree.

Conditions

29. 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.
30. Paragraph W (13) of 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. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
31. I have attached a condition requiring the development to be carried out in accordance with the approved plans, in the interests of certainty. As there could be a range of contaminants present on site due to its agricultural use, I consider it necessary to include a contaminated land condition to ensure that risks from contamination to the future occupiers are minimised.
32. Conditions relating to foul and surface water drainage and materials for the external surfaces (both new and those to be repaired), are necessary to ensure that the site is adequately drained and that the materials used are appropriate for the site and surrounding area. The submission of a validation report ensuring that any required remediation works have been completed is also considered necessary. I have also imposed a condition relating to the construction, drainage and surfacing of the parking and turning areas to ensure that the materials and drainage are appropriate for the site and maintained in perpetuity.

Conclusion

33. The proposal would satisfy the requirements and limitations set out in Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. I therefore find that the appeal should be allowed, and prior approval is granted, subject to the standard conditions set out in paragraph Q.2 of Class Q and to the additional conditions specified in the attached schedule.

P Brennan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing numbers 1307-PA-01, 1307-PA-02, 1307-PA-05A, 1307-PA-06, 1307-PA-07 and 1307-PA-08.
- 2) No development shall take place until a phased risk assessment has been carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 'Investigation of potentially contaminated sites'. Each phase shall be submitted to and approved in writing by the local planning authority.
 - i) Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
 - ii) Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy.
 - iii) Phase 3 requires that a remediation strategy be submitted to and approved by the local planning authority to ensure the site will be rendered suitable for its proposed use.
- 3) No development shall take place until a surface water drainage scheme based on full infiltration unless evidenced exhausted, including details of the size, position and construction of drainage works, has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be designed to accommodate a 1 in 10-year storm + 40% CC and shall be implemented and maintained in accordance with the approved details.
- 4) No development shall take place until drainage works for foul water have been carried out in accordance with details which shall first have been submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until details / samples of the materials to be used in the repair of the existing and the new external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 6) The development shall not be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the local planning authority.
- 7) Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan PA-02, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.

End of conditions