



Appeal Decision

Site visit made on 22 September 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/U2750/W/25/3363986

Agricultural Building (Barn 4), Partridge Hill, Oxmoor Lane, Church Fenton, Selby LS24 9RW

- 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 Juniper House Investments Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZG2024/1117/ATD.
 - The development proposed is change of use of an agricultural building (Barn 4) to 2no. smaller dwellings (<100m²) (Use Class C3) with associated operational development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for full costs has been made by Juniper House Investments Ltd against North Yorkshire Council. This is the subject of a separate decision.

Preliminary Matters

3. I am considering a separate appeal¹ relating to another building at Partridge Hill, however it differs in nature and procedure. Accordingly, this will also be subject of a separate decision.
4. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was updated on 21 May 2024. Due to transitional arrangements, I am required to determine this appeal in accordance with the GPDO as it stood prior to 21 May 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
5. As the appeal proposal relates to a prior approval notification made under 'the GPDO, development plan policies and the National Planning Policy Framework ('the Framework') can be considered relevant, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

6. Schedule 2, Part 3, Class Q(a) of the GPDO permits development consisting of 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). Class Q(b) of

¹ APP/U2750/W/25/3365123

the GPDO permits building operations reasonably necessary to convert the building.

7. Schedule 2, Part 3, Section W of the GPDO outlines the prior approval process, and provides that a local planning authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.
8. The Council refused to grant prior approval for the proposal under Schedule 2, Part 3, Class Q.1(h) of the GPDO, on the basis that it considered the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building. The Council also considered the proposal would contravene Class Q.1(i), which relates to the extent of building operations being reasonably necessary for the building to function as dwellinghouses.
9. Having regard to the Council's decision notice, the main issues are therefore whether the proposal would be permitted development in terms of the limitations and conditions set out in the GPDO, with regard to:
 - the external dimensions of the building; and
 - the extent of the building operations reasonably necessary for the building to function as two dwellinghouses.

Reasons

External dimensions

10. Schedule 2, Part 3, Class Q.1(h) of the GPDO specifies that development is not permitted by Class Q if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
11. The appeal site comprises a structure predominantly of blockwork construction which is said to have previously been used as a pig sty. It incorporates a concrete floor, with a further suspended concrete floor above. At the time of my visit the lower elements of the structure, including walls remained in situ, albeit with no windows or doors. There was, however, no roof structure.
12. The proposal would include the construction of a new roof and the cladding of external surfaces. In both instances, the resultant structure would exceed the external dimensions of the building; in the case of the new roof by a significant degree, and in the case of the cladding to a lesser, but nevertheless evident, extent.
13. It is stated that the roof structure was removed from the building as part of re-development works following a previous grant of approval for works under Class Q of the GPDO², in order to appropriately manage asbestos. It is also stated that this development was unable to be completed within the specified time limit due to

² 2019/0205/ATD

restrictions related to Covid-19 in 2020 and 2021, and that as a result the building has remained unconverted and roofless in the intervening period.

14. Be this as it may be, and while I do not doubt that the appellant acted in good faith and was not able to complete the development previously, in part, due to circumstances beyond their control, the proposal before me represents a fresh application for prior approval. I am therefore required to assess it in the context of the current condition of the building, and this appeal stands alone from any previous approvals.
15. Therefore, the fact that the building previously had a roof does not weigh in favour of the proposal, as that roof has since been removed. Objectively, and regardless of the circumstances of the removal of the previous roof, the erection of the new roof structure would exceed the external dimensions of the building as it currently stands. This would be contrary to Class Q.1(h) of the GPDO.
16. In relation to the cladding, my attention has been drawn to various protuberances that exist at various locations on the exterior of the building, and which extend beyond the existing blockwork face. Even if I were to agree that the proposed cladding would not extend beyond these points, Class Q.1(h) of the GPDO is clear in requiring that in order to be permitted development, the development should not result in the external dimensions of the building extending beyond the external dimensions of the existing building “at any given point”.
17. In these terms, therefore, the existing protuberances are only relevant in terms of establishing the existing external dimensions of the building at that particular point. Elsewhere, even within the same elevation of the building, the existing external dimension could be taken to be the blockwork face. The addition of cladding in these locations would represent an extension of the building. This would also be contrary to the conditions set out in Class Q.1(h) of the GPDO.
18. The fact that the Council found the 2019 proposal³ to be acceptable in this respect, does not preclude myself reaching a different conclusion, and in any case, full details of that proposal have not been put before me so I cannot be certain that the two schemes are wholly comparable.
19. It has been put to me that the proposal would amount to permitted development in this respect under the provisions of the GPDO as it currently stands. However, as set out above, in accordance with the transitional arrangements, I am required to consider this proposal in accordance with the GPDO as it stood prior to 21 May 2024, and I am also mindful that the appellant has previously indicated that the proposal should be considered on this basis. The amendments to the GPDO are not, therefore, relevant to the consideration of this particular appeal.
20. The proposal would therefore result in the external dimensions of the building extending beyond the external dimensions of the existing building, contrary to the limitations set out in Schedule 2, Part 3, Class Q.1(h).

The extent of building operations

21. In this case, the erection of a new roof structure, including new purlins, would not, in itself, represent building works beyond what would be reasonably necessary to

³ 2019/0205/ATD

allow the building to function as two dwellinghouses. Class Q.1(i) makes explicit reference to new roofs forming a recognised part of such works.

22. The provide structural surveys indicate that the elements of the building which remain are in sound condition, and my own observations do not lead me to conclude differently. It was evident that the building is sited on solid foundations and that a floor exists at ground level. There is no reason, therefore, for me to doubt that the proposal could be carried out as stated, and the proposed works additional to the new roof structure would be minor in nature, and predominantly internal.
23. Therefore, while it is nevertheless possible that the erection of a new roof structure, along with other building works, could, in some circumstances, as a whole be considered to be building works beyond those reasonably necessary, this is not the case in this instance, and the proposal would not conflict with the limitations set out at Class Q.1(i) of the GPDO.

Summary

24. Although I have found that the proposal would not represent buildings works which extend beyond those reasonably necessary for the building to function as two dwellinghouses, it would nevertheless result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
25. In doing so, the proposal would fail to accord with the limitations set out in Schedule 2, Part 3, Class Q.1(h), and would not therefore be development permitted under this Class of the GPDO. On this basis, it is not necessary for me to consider the prior approval matters set out at Q.2 of that Class.

Conclusion

26. For the reasons given above, I conclude that the proposal would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO. For the reasons given above, the appeal should be dismissed.

C Harding

INSPECTOR