
Appeal Decision

Site visit made on 21 October 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal Ref: APP/V2255/W/25/3368057

Land at Rides House Farm, Warden Road, Eastchurch, Kent ME12 4HA

- 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 Sam Hayward against the decision of Swale Borough Council.
 - The application Ref is 25/500910/PNQCLA.
 - The development proposed is the change of use of a building and any land within its curtilage from agricultural to 1no. dwellinghouse and associated operation development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interest of accuracy, the site address and description of development in the banner heading is taken from the decision notice and appeal form.

Main Issue

3. The main issue is whether the proposal would constitute permitted development under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

4. The appeal building lies within a small cluster of residential development to the north of Warden Road. It is a single-storey block-built structure situated within a hard-surfaced yard. The external walls have been rendered and fitted with domestic-style uPVC windows and a timber door, while a flue serving a wood-burning stove protrudes from the roof. Internally, the building contains plastered and painted walls, internal partitions, a toilet, a rudimentary kitchen installation, fitted light fixtures, carpets, window blinds and evidence of electrical fittings and plumbing. Although presently vacant, the internal layout and finishes are unmistakably residential in character.
5. The appellant accepts that works were carried out before the application was submitted but contends that these were only minor repairs (including rendering, replacement windows and doors), and that nothing amounting to a residential conversion had begun. However, the submitted evidence and my site visit observations indicate that the building has already been subdivided into rooms of a domestic type and fitted with kitchen and toilet facilities. These do not constitute maintenance operations but works that contribute to the conversion of a structure into a dwelling.

6. The appellant further argues that the doors are only basic ply doors, that only two windows are uPVC, and that the flue and wood burner was installed for heating and is located where the proposed kitchen would later be. The relevant test is not whether particular elements are temporary or incomplete, but whether any operations forming part of a residential conversion have already taken place.
7. Taken cumulatively, the extent of internal and external alteration to the building goes beyond mere maintenance. Whilst the appellant states that these works do not amount to development requiring planning permission and are not indicative of a material change of use, the presence of domestic fenestration, internal partitions, rooms with carpet flooring, plumbing, toilet facilities and kitchen fittings, together with plastered finishes and decorated walls, is not consistent with an agricultural storage use. The installation of these features is not related to repair work but are all operations reasonably necessary to convert an agricultural structure into a dwellinghouse within the meaning of paragraph Q.1(i) of the GPDO.
8. Whether or not the building has been occupied, these works demonstrate that physical conversion has already begun. The GPDO requires that prior approval must be sought before beginning such development. Once those works are carried out, the procedural conditions in paragraph Q.2 (1)-(2) cannot be satisfied. These conditions are intended to prevent piecemeal or retrospective use of the Class Q right.
9. On balance, the building operations needed to convert the original agricultural building to a dwellinghouse began before the prior approval application was made. Accordingly, I conclude that the proposal does not constitute permitted development under Class Q the GPDO.

Conclusion

10. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR