



Appeal Decisions

Site visit made on 7 November 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 20 November 2025

Appeal A Ref: APP/X1545/W/25/3372784

OS Field 4200, Rectory Road, North Fambridge, Essex

- 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 P & J Friedlein against the decision of Maldon District Council.
 - The application Ref is 25/00008/PACUAR.
 - The development proposed is change of use of barn to a single dwellinghouse.
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Appeal B Ref: APP/X1545/W/25/3372786

Land east of Ruxley Cottage, Rectory Road, North Fambridge, Essex

- 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 P & J Friedlein against the decision of Maldon District Council.
 - The application Ref is 25/00009/PACUAR.
 - The development proposed is change of use of the barns into 2no. dwellinghouses.
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Appeal C Ref: APP/X1545/W/25/3372787

Agricultural Building east Of Ruxley Cottage, Rectory Road, North Fambridge, Essex

- 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 P & J Friedlein against the decision of Maldon District Council.
 - The application Ref is 25/00010/PACUAR.
 - The development proposed is change of use of barn to a single dwellinghouse.
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Decision

1. Appeals A, B and C are dismissed.

Preliminary Matters

2. Three appeals are submitted relating to four different buildings within the same wider site. To avoid duplication, I have considered the schemes together, except where otherwise indicated.
3. I have taken the site addresses from the appeal forms rather than the prior approval application forms to ensure consistency and that each appeal is easily identifiable. I have also taken the descriptions of development from the appeal forms as they are not provided on the application forms. I have removed wording that does not form an act of development in the interests of clarity.

Background and Main Issues

4. For the avoidance of doubt, the appellant wishes to rely on the Class Q legislation as most recently amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 as opposed to the previous legislation that remains capable of being utilised for applications made up until 20 May 2025. The Council has also referred to the amended legislation in its assessment of the cases and as such so shall I.
5. Class Q. (a) (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to a use falling within use Class C3 (dwellinghouses). Class Q. (c) allows building operations which are reasonably necessary to convert the building to such a use.
6. The Council assert that there is insufficient evidence to demonstrate that the wider site including the buildings identified in all three appeals are part of an established agricultural unit. The Council also contend, in respect of the building identified in Appeal C only, that the proposed works to convert the building would be substantially extensive and over and above that which is considered to be reasonably necessary.
7. Therefore, the main issues are:
 - in respect of all three appeals, whether the proposals would be permitted development under Schedule 2, Part 3, Class Q of the GPDO; and
 - in respect of Appeal C only, whether the extent of the building operations would be reasonably necessary to convert the building to a dwellinghouse.

Reasons

Permitted development

8. The Council and Interested Parties refer to a number of previous planning and prior notification applications at the appeal site in the last ten years which were refused. I do not have the details of the planning applications that were submitted, nevertheless, schemes that require planning permission are subject to different material considerations to that submitted under the prior approval process.
9. The Council state that the previous prior approval applications were refused in part due to it being unclear as to whether the buildings were solely in agricultural use. Nevertheless, under the amended GPDO, there is no requirement for the buildings to be in agricultural use. The location of a building on an established agricultural unit is sufficient to comply with the requirement of Class Q (a) (i), subject to other criteria being met.
10. Paragraph X of the GPDO defines an established agricultural unit as agricultural land occupied as a unit for the purposes of agriculture, for the purposes of Class Q, on or before 20 March 2013 or for 10 years before the date the development begins.
11. In the submitted Statutory Declaration (SD), it is stated that the agricultural unit is made up of 45 hectares of permanent grassland which has been farmed over the

last three generations by the same family. It is confirmed that the agricultural unit is still owned as a partnership between a father and his son with the enterprise operating as The Fambridge Farm Company Limited. It is stated that all three appeal sites and the buildings on them remain part of an established agricultural unit.

12. However, it is unclear as to who has made the SD, given that the heading of the document states it is the statutory declaration of 'Peter Friedlein' but the introductory paragraph states 'I Jack Graham Friedlein'. In addition, whilst the Rural Payments Agency application for the Basic Payment Scheme in England from 2019 (RPA) also refers to The Fambridge Farm Company Limited, only part of that document has been provided. The plan submitted with the RPA is very unclear and does not provide any base mapping detail, meaning that it is not possible to discern the area of land that is outlined in red. The NG field number for that parcel of land is identified on the drawing as '3502' with an area of 3.17 hectares, however, there are no parcels of land with the same field number or area provided in the list set out in the submitted RPA.
13. Consequently, I cannot be sure that the RPA documents submitted as part of the SD refer to the appeal sites or the asserted established agricultural unit. Therefore, without further clarification or evidence on these matters I am not satisfied that it has been demonstrated that the buildings subject to all three appeals are part of an established agricultural unit, in line with the requirements of Class Q. (a) (i) of the GPDO.

Whether building operations are more than reasonably necessary

14. Class Q. (c) of the GPDO allows building operations reasonably necessary to convert the building to a dwellinghouse. Therefore, in order to benefit from permitted development rights under Class Q, the building must be converted and not rebuilt or newly built. Neither the GPDO or the Planning Practice Guidance (PPG) define the term 'reasonably necessary', as such, it is a matter of planning judgement based on the facts and degree of an individual case. The PPG states, in terms of Class Q, that the building must be capable of functioning as a dwelling and that the intention of the permitted development rights is not to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.
15. The building subject to Appeal C is referred to as barn 3 in the submitted Structural Survey (SS). The building is a steel framed building with a dual pitched roof formed of corrugated sheeting. The walls are formed of corrugated metal sheet cladding. The SS concludes that the roof is currently performing adequately with no notable signs of deflection or distortion and that if replaced any roof covering would need to be lightweight to prevent additional loading on the existing roof structure. It also states that the posts that support the wall cladding are performing adequately. There is no compelling evidence before me which disputes the findings of the SS.
16. The existing large openings would be utilised for areas of glazing to serve the kitchen and sitting room and a limited number of additional windows would be installed. These types of works would accord with the type of development allowed for under Class Q.1(j) of the GPDO. The appellant asserts that the proposal seeks

minimal changes to the current barn with the significant bulk of the works being internal changes.

17. However, what I witnessed on site is not what is shown on the existing drawings. Whilst some of the walls are fully clad in the corrugated sheeting, there are considerable areas on some of the walls where the sheeting is missing. There are also holes in some of the roof cladding. There are no specific details or specifications provided on what works are proposed to enable the conversion of the building, for example, whether the existing cladding would be reused or whether due to the condition of the existing cladding, that it would be replaced. I therefore find that there is insufficient information to determine how much of the current external fabric of the building would remain. Even if the existing steel frame is structurally sound and capable of being used, consideration still needs to be given to the total extent of the works proposed. Without further information it is not clear what the totality of the works would involve or whether they would exceed that of a conversion.
18. As such it has not been demonstrated that the building operations would be reasonably necessary or that the proposal would result in the conversion of the building. Accordingly, based on the evidence before me, it has not been demonstrated that the scheme set out under Appeal C would benefit from the permitted development rights under Class Q. (c) of the GPDO.

Other Matters

19. The appeal sites are located within the zone of influence of one or more European sites identified in the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). New residential development is likely to have a significant effect on the European Sites through the cumulative effects of increased recreational pressure. The Council has indicated that mitigation would be required and that this was not secured at the time the Council determined the applications. The Council has identified that without the appropriate mitigation being secured, the appeal sites would be in an undesirable location as a result.
20. A Regulation 77 application under The Conservation of Habitats and Species Regulations 2017 may be submitted and determined separately to an application for prior approval in this regard. Therefore, it is not a requirement to resolve this matter before granting prior approval. However, I acknowledge that the appellant has submitted a Unilateral Undertaking to respond to the Council's concerns on this matter. Nevertheless, given my findings above and as I am dismissing the appeals for other reasons, there is no reason for me to consider this matter further as part of these appeals.

Conclusion

21. For the reasons given above, I find that it has not been demonstrated that the three proposals are permitted development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. Consequently, Appeals A, B and C are dismissed. Given my conclusion that it has not been demonstrated that the proposals would be permitted development, there is no need for me to consider the prior approval matters in each case, as it would not alter the outcome of the appeals.

G Dring

INSPECTOR