
Appeal Decision

Site visit made on 14 October 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/F2605/W/25/3370362

The Arkom, Flybarn Farm, Brays Lane, Stow Bedon NR17 1BT

- 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 Mrs Philippa Edmonds against the decision of Breckland Council.
 - The application Ref is PL/2025/0410/PAQ.
 - The development proposed is Application to determine if prior approval is required for a proposed: Conversion of existing Romney Shed into 2no. 2 bed dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has stated that the third reason for refusal relating to contributions towards Recreational Avoidance Mitigation Strategy (RAMS) has been overcome following submission of a signed Unilateral Undertaking (UU). This reason for refusal, therefore, is no longer a main issue.
3. It was requested that the appellant provided the copies of the figures/plans referenced to in the Natural England District License. These additional figures/plans were not provided.

Background and Main Issues

4. The appeal relates to the conversion of an agricultural barn at Flybarn Farm into two dwellings. Schedule 2, Part 3, Class Q(a) of the General Permitted Development Order (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 the GPDO permits building operations reasonably necessary to convert the building or Class Q(c) of the GPDO permits building operations reasonably necessary to convert the building.
5. The Council considers the works required would comprise a rebuilding rather than the conversion of the existing building. Consequently, the main issue is whether the building operations would be to an extent reasonably necessary to convert the building to a use falling within Class C3.
6. The Council has also refused the application on the basis that there is not up to date information on bats (a protected species). Therefore, the proposal could have a detrimental impact upon this protected species and thus biodiversity.

Reasons

Are building operations reasonably necessary

7. The proposal seeks to convert the existing barn, which also includes the demolition of an adjacent structure, the internal placement of stud walls and the creation of new openings in the barn for the provision of windows and doors.
8. The appellant's Structural Appraisal report dated 24 July 2024 makes it clear that the existing structure is in a good condition. The report goes on to state that the internal works are primarily the new stud walls, with the work to the existing structure limited to insulation and creation of new openings for fenestration.
9. The Planning Practice Guidance makes it clear that internal alterations and building operations which do not materially affect the external appearance of a building are not development. On this basis, the creation of internal stud walls to support a single storey conversion and insulation is considered reasonably necessary to convert the barn into a dwelling that does not entail rebuilding the barn.
10. The external fenestration has been considered in the submitted Structural Appraisal and does not make the existing structure unsound. Given that the conversion of a barn into two dwellings requires suitable light to make an agricultural building habitable, the proposed fenestration is also considered to meet the test of reasonably necessary works to convert the barn.
11. For the above reasons, the proposal would not, in effect, constitute a rebuild or the erection of a new building. Therefore, on this issue the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Bats (protected species)

12. The wider site benefits from several barns, one dwelling, one building under construction, trees, hedges and a variety of water features.
13. The Council's ecologist, via Place Services, placed a holding objection due to lack of information regarding bats. This was primarily due to the bat survey being out of date. It is accepted that the decision maker has a requirement to ensure that protected species are safeguarded during construction works via suitable avoidance, mitigation or compensation measures.
14. The appellant has applied successfully for a District License for Flybarn Farm. In the appellant's final comments, they refer to a previous bat survey from 2023. However, the survey from 2023 is now very dated evidence. Therefore, given that the requested figures/plans that formed part of the licence were not provided there is insufficient information on what parts of Flybarn Farm have been covered by this license. The proposal could potentially significantly harm a protected species.
15. On this issue I therefore conclude that the proposal does not meet the requirements of Schedule 2, Part 3, Class Q, Q2.1 of the GPDO that allows further information under the provision of paragraph W of this Part to assess impact and risk.

Other Matters

16. The appellant has not provided a completed template habitats regulation assessment (HRA) as advised would be necessary in the Preliminary Ecological Appraisal and by the Council. They have however made a direct financial payment to the Council towards the RAMS as mitigation and provided a signed UU.
17. In any case, the grant of planning permission under Article 3(1) of the GPDO is subject to compliance with Regulations 75 to 78 of the Habitat Regulations. Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat, before works can be undertaken as permitted development. This requires a separate application to be made to the Council under Regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment.
18. Based on the evidence before me, it does not appear that an application to the Council under Regulation 77 has been made. However, as such an application can be submitted and potentially approved after the grant of prior approval, it is not determinative in respect of the main issues that I have examined and therefore I do not need to consider this matter further as part of this appeal.

Conclusion

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

A Phillips

INSPECTOR