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## Appeal Decision

Site visit made on 18 November 2025

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 November 2025**

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**Appeal Ref: APP/D3125/W/25/3371905**

**Duttons Farm, Lew Road, Curbridge, Witney, Oxfordshire OX29 7PB**

- 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 H A King & Sons against the decision of West Oxfordshire District Council.
  - The application Ref is 25/01177/PN56.
  - The development proposed is Change of use of an agricultural building to a dwellinghouse (C3) and associated building operations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Amendments to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument (SI) 2024/579. Transitional arrangements allow applicants to make an application for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020) until the end of 20 May 2025, in respect of development that would have been permitted under Class Q before 21 May 2024 but that would no longer be permitted under Class Q on and after this date. The appellant sought prior approval under the transitional provisions. I have thus considered the appeal on this basis. All references to the GPDO in this decision relate to the GPDO 2020.

### Background and Main Issue

3. 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 Class C3 use (dwellinghouse) of the Schedule to the Use Classes Order. This provision also includes at Paragraph (b) development referred to in Paragraph (a) together with any building operations reasonably necessary to convert the building.
4. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse, having regard to the requirements under Class Q.1(h) and (i) of Schedule 2, Part 3, Class Q.

### Reasons

5. The appeal building is a large steel framed barn with corrugated metal cladding to its roof. It has mono-pitched extensions to the north and south flanks which would

be removed. Without these the remaining structure would be a steel frame with a roof and no walls.

6. Paragraph Q.1(h) sets out that development is not permitted if it would result in the external dimensions of the building extending beyond those existing.
7. Based on the plans, the Council considers that the existing and proposed elevations are different. It appears that the development would extend beyond the external dimensions of the existing building as the height of the building when measured from ground level to the top of the barn on the western elevation is higher than that shown on the existing plans. Whilst this point is noted, the appellant has confirmed that the proposal would retain the existing metal frame, rafters and the roof as set out in supporting documents. The appellant refers to an indicative ground line on the plans and suggests this may have led to a misinterpretation of the drawings by the Council.
8. The plans are not annotated as such so the Council's conclusion on this is not unfounded. Nevertheless, I accept that it is intended to retain the existing roof. I therefore conclude that the proposal would not result in the external dimensions of the building extending beyond those existing.
9. Paragraph Q.1(i) provides that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out those building operations.
10. The GPDO does not provide a definition of what is meant by 'reasonably necessary'. The Planning Practice Guidance<sup>1</sup> (PPG) explains that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, 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.
11. The proposed works, which include the construction of exterior walls to each elevation, the installation of windows and doors within those walls and repair works to the roof, would all be necessary to enable the building to function as a dwelling. However, taking into account the Hibbitt judgment<sup>2</sup>, the question is whether the existing building is capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Whether or not the operations go beyond the scope of conversion is a matter of fact and degree and necessitates a judgement.
12. The existing building comprising a steel frame and sheet metal roof is skeletal and minimalist but appears to be in good condition. No structural report and few details about how the proposed dwelling would be constructed have been provided. The dwelling would be positioned centrally under the roof. The new walls would be constructed independently of the existing steel frame. As the proposed dwelling

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

<sup>2</sup> Hibbitt v SSCLG [2016] EWHC 2853 (Admin)

would be two storeys, it seems to me that the new walls would provide the structural support for the dwelling with little, if any, contribution to this from the existing structure.

13. The dwelling would be positioned under the existing roof, but limited information has been provided to demonstrate that the roof would form part of the dwelling or whether, as the Council asserts, the dwelling would be built under this. Whether the existing roof is integrated into the proposed dwelling or not, the rest of the proposed works would be independent of the existing structure. Taken together, these would be of such magnitude that it would in effect be a fresh build, going a long way beyond what I would consider as a conversion.
14. My attention has been drawn to the Hay Barn, positioned a short distance from the appeal building. Prior approval for the conversion of this building under Class Q was granted<sup>3</sup> on the same day as prior approval for the appeal scheme was refused. The two buildings share many similarities, being steel framed with the only difference being that the Hay Barn has an existing wall to one elevation, comprising metal-sheeting. The scheme at the Hay Barn proposed the removal of that existing wall and the construction of the dwelling under the existing roof, not using the existing steel frame. The resultant works are very similar to the appeal scheme. It is not for me to judge whether the proposed development at the Hay Barn would be considered to have the permitted development right. Whilst I appreciate that the inconsistency may be frustrating for the appellant, I have reached my judgement on the appeal based on the proposal before me and the facts of the case. The decision in respect of the Hay Barn does not therefore lead me to a different view on the appeal.
15. Due to the extent of building operations, the proposal fails to satisfy the requirement under Schedule 2, Part 3, Class Q.1(i) of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse.

## **Conclusion**

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

*Rachael Pipkin*

INSPECTOR

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<sup>3</sup> Council Ref: 25/01176/PN566