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## Appeal Decision

Site visit made on 9 December 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

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**Appeal Ref: APP/R3650/W/25/3373057**

**Chilworth Barn, Blackheath Heights, Blackheath, Guildford, Surrey GU5 0RF**

- 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 Don Slope against the decision of Waverley Borough Council.
  - The application Ref is PRA/2025/01155.
  - The development proposed is change of use of 1 agricultural building to 1 dwelling (use class c3) with associated operational development.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application form describes the proposal as the 'change of use of 1 agricultural building to 1 dwelling (use class c3)'. As the form confirms that building works and other operations are necessary to facilitate this change, the description in the banner heading has been amended to align with the description of development in the decision notice and appeal form. This ensures the description accurately reflects both the change of use and the associated operational development forming part of the proposal.

### Background and Main Issues

3. Under Schedule 2, Part 3, Class Q of the General Permitted Development (England) Order 2015 (as amended) (GPDO), development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
4. The Council in its role as Local Planning Authority (LPA) may refuse the application where it considers that the proposal does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
5. The Council refused the application on the grounds that it had not been demonstrated that the proposed works were reasonably necessary to convert the existing building and would not amount to substantial rebuilding. It also considered that the development included land beyond the curtilage of the agricultural building and that safe and suitable access from Blackheath Lane had not been

demonstrated. Consequently, the Council concluded that the proposal did not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO.

6. The main issues are therefore whether the proposal would constitute permitted development with reference to paragraph Q.1 in respect of the following:
- whether proposed building operations are reasonably necessary to convert the building to a dwelling house;
  - whether the proposal involves the change of use of land beyond the definition of curtilage identified in Q3; and
  - whether the building has a suitable existing access to a public highway.

## **Reasons**

### *Building Operations*

7. Development permitted under Class Q includes building operations that are reasonably necessary to convert an agricultural building into a dwellinghouse. The Planning Practice Guidance (PPG) confirms that this permitted development right assumes the building is already capable of functioning as a dwelling. It is not intended to allow rebuilding works that go beyond what is reasonably necessary for conversion. Accordingly, the right only applies where the existing building is suitable for conversion to residential use without substantial reconstruction. This view is corroborated in *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853, which distinguishes between a genuine conversion and a rebuild.
8. The existing building is a simple, lightweight, rectangular agricultural building with a corrugated asbestos roof. It has an exposed frame which is clad with vertical timber boards. The building sits on a low base of concrete blocks, providing slight elevation above ground level and there is no floor.
9. The judge in the *Hibbitt* case stated that there will be numerous instances where the starting point (the “agricultural building”) might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. While the scope of building operations permitted under paragraph Q.1 are extensive, it remains a matter of planning judgment for the decision-maker to determine, in each case, where the line is drawn. This requires consideration of the nature and extent of the proposed works and whether, in substance, the proposal constitutes a conversion rather than a rebuild.
10. I do not consider that the existing building could function as a dwelling. Whilst the concrete frame is structurally sound, and the building is enclosed with timber cladding; new external walls would be required to achieve appropriate insulation and weatherproofing. The asbestos roof would also require insulation or complete replacement. Although it is claimed that existing materials could be retained, there is insufficient evidence to demonstrate how this would be achieved. Furthermore, given the lightweight nature of the current materials, even if retention were possible, the works required to install weatherproof walls, insulate or replace the roof, and install a finished floor would cumulatively amount to substantial rebuilding.

11. Reference is made to a Class Q appeal at Grange Farm that was allowed. However, the circumstances of that case were materially different. The building there incorporated a cavity wall of brick and block to the lower sections and rear elevation, a concrete floor, multiple windows, and rainwater goods such as gutters and downpipes. These features demonstrated that the building was already substantially enclosed and weatherproof, and therefore capable of functioning as a dwelling without wholesale reconstruction. By contrast, the building in this appeal is a skeletal agricultural structure with no conventional external walls, no finished floor, and no openings or services. As a result, the proposal would require significantly more work than the Grange Farm example, and the starting point in this appeal is fundamentally different.
12. The appellant has referred to other Class Q appeals<sup>1</sup> that have been allowed. While there may be some similarities between those schemes and the proposal before me, I do not have the full details of those decisions, including the extent of works involved or the original condition of the buildings. As confirmed in Hibbitt, it is for the decision-maker to exercise judgment in each case, based on the evidence presented, to determine whether the works amount to a conversion rather than a rebuild. In this instance, the evidence demonstrates that the works required to the appeal building would be extensive and constitute substantial rebuilding rather than conversion. Consequently, the cited decisions do not alter my conclusion.
13. To benefit from permitted development rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must involve only building operations reasonably necessary to convert the building. Based on the evidence before me, it has not been sufficiently demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, to be permitted development under Class Q.

#### *Curtilage*

14. The definition of curtilage is detailed in Q3 as the lesser of, the area of land, whether enclosed or unenclosed, that was closely linked to and served the building; or an area no larger than the footprint of the building itself.
15. The Council consider that the proposed curtilage is so constrained that it would not practically accommodate the minimum requirements of a single dwelling including parking, turning and bins storage. Whilst these provisions would be beneficial to a dwelling, there is no requirement under Class Q for them to be provided. The Council have not alleged that the proposal would not accord with the definition of curtilage detailed in Q3 and the evidence before me does not lead me to a different conclusion.

#### *Suitable existing access to a public highway*

16. Access to the building is via an unmade agricultural track that runs from a gated entrance off a surfaced lane. The track consists of two wheel ruts through grass and soil and passes alongside post-and-wire fencing before curving toward the barn. The route rises upwards towards the building.

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<sup>1</sup> APP/L3625/W/21/3267322, APP/D2510/W/3300279, APP/Z3825/W/15/3130771, APP/B3410/W/22/3311494 and APP/H0520/W/22/3309257

17. Criterion Q.1(p) requires that the building benefits from a suitable existing access to a public highway. In this case, the track does not extend to the appeal building but instead runs along the post-and-rail fence forming the perimeter of the adjoining field. Consequently, vehicles accessing the building would need to cross grassland. While the informal track may be adequate for agricultural purposes, its incline, and rudimentary finish lack the construction quality and year-round durability typically associated with residential use. Given the track does not directly serve the building and cannot reasonably be considered suitable for permanent residential access, the proposal would fail to provide a suitable existing access to a public highway.
18. The Council has also raised concerns regarding land ownership and the lack of adequate visibility splays for access. However, as the form and position of the track fail to comply with criterion Q.1(p), I have not considered these matters further.

### **Other Matters**

19. It is asserted that if the appellant had opted for a public inquiry, a structural engineer could have attended. However, the structural integrity of the building is not in question; rather, the matter concerns planning judgement as to whether the works required to facilitate the proposal would constitute substantial rebuilding or a conversion.
20. Whilst reference has been made to costs, the appellant has set out that a costs claim has not been submitted.

### **Conclusion**

21. For the reasons given above, I find that the proposed development would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal is dismissed.

*V Goldberg*

INSPECTOR