



Appeal Decision

Site visit made on 28 October 2025

by F P Tinsley MA (Hons) MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/E2001/W/25/3372336

Land north east of The Poplars, Frodingham Road, Wansford, Driffield, East Riding Of Yorkshire, YO25 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval.
 - The appeal is made by Mr. Mark Foster against the decision of the East Riding of Yorkshire Council.
 - The application reference is Ref: 25/00623/AGRNOT
 - The development proposed is 'Change of use of an agricultural building to dwelling with associated building works'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development detailed on the Council's Decision Notice as this more succinctly describes the proposed development.

Background and Main Issue

3. The Council considers that the scope of work extends beyond that which could be defined as a conversion under the planning permission granted for the change of use of a building in Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. Consequently the main issue is whether or not the building operations involved in the development would be to an extent reasonably necessary to convert the building to a dwelling house, having regard to the requirements of the GPDO.

Reasons

4. Class Q allows building operations including 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. It also allows partial demolition to the extent reasonably necessary to carry out these operations.
5. The Planning Practice Guidance¹ (the PPG) states that the agricultural building must be capable of functioning as a dwelling and that that internal works to buildings are not generally development. It also states that for the building to

¹ Paragraph: 105 Reference ID: 13-105-20180615

function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls. It further clarifies that the intention of the permitted development is not to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.

6. Both main parties refer to the Hibbitt case². While there are differences in terms of the nature and condition of the building proposed for conversion compared to the proposal before me, the case is relevant as it explores, amongst other matters, the distinction between works required for the conversion of an existing building and works amounting to a rebuild. In the Hibbit case, works including the construction of all four exterior walls were found to go well beyond what could reasonably be described as conversion.
7. The appeal site is in Flood Zone 3. The Flood Risk Assessment (FRA) lodged with the application and subsequently amended includes mitigations. This includes raising the finished floor level to 4m AOD. A site levels plan is included in the FRA shows the building is sited between 3.25m and 3.42m above AOD. Therefore, the finished floor level of the barn would be raised by between 58cm and 75 cm.
8. The works required to achieve this increase are substantial. Raising the finished floor level by such a significant amount cannot reasonably be regarded as a conversion of the building. It represents a fundamental alteration to the building's fabric. The floor is an intrinsic structural component of the building. I am satisfied that they do not fall within the scope of works permitted under Class Q
9. The Council has referred to an appeal where it was proposed to install new floors in a building (Barns 3a and 3b) under the provisions of Class Q. In that case, the Inspector concluded that such works were outside the scope of works permitted by Class Q. While there were differences, namely, the installation of the new floor was not in response to flood risk mitigation, it replaced an unmade floor in one instance, and there was no permanent connection between the existing barn and the floor in the other, the works proposed were nonetheless the installation of a replacement floor.
10. Regardless of the reason for the installation, the building operation of installing the floor was deemed to fall outside the scope of Class Q. I have reached the same conclusion in respect of this appeal, as the Inspector did in that instance: the floor is *'an intrinsic structural component of any building. Under Class Q, the installation of a floor is not covered by the GPDO. For this reason, the barn does not present an existing structure that is sound and suitable for conversion from an agricultural building to a residential dwelling'*. In the appeal before me, the barn can only be considered sound and suitable for conversion if the floor level is increased to the level shown to adequately mitigate flood risk. Raising the floor more than half a metre, as is required, is not the laying of a floor which could reasonably be considered as internal works and therefore permitted or not development. It is rather a considerable building operation in itself, involving significant works and alteration to a fundamental structural element of the building and therefore falls outside the parameters of those permitted by Class Q.

² Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors [2016] EWHC 2853 (Admin)

11. The appellant refers to a further recent appeal³ where the inclusion of a site-specific Flood Risk Assessment was considered sufficient to demonstrate that the proposal addressed the requirements of paragraph 181 of the Framework in relation to flood risk mitigation. However, that case concerned a full planning application rather than an application under Class Q, and therefore the extent of works permitted under Class Q was a not relevant consideration in that case. Furthermore, in that case, the Flood Risk Assessment did not stipulate that works such as those required in the context of this appeal, which is raising the floor level, were necessary.
12. The appellant has provided details of several other planning applications and appeal decisions⁴ where prior approval was granted for similar barn conversions under Class Q. Having considered these examples and the information provided, I note that based on the evidence before me, aside from limited works to existing floors, such as the installation of a damp-proof membrane and screed, none involved the addition of entirely new floors that raise the existing floor level to the extent proposed in the appeal before me.
13. The internal configuration of the proposed dwelling includes a mezzanine structure supported from ground level by columns and beams, rather than being fixed into the external wall or frame. The Structural Survey (Alan Wood & Partners Structural Engineers) confirms that the building is capable of conversion into a dwellinghouse and can support the loadings as per the design. While the Council stated that the extent of building operations required to provide the mezzanine was unclear, I am satisfied that sufficient information necessary to address this matter is provided by the appellant and the proposed works would fall within the parameters of permitted development under Class Q or do not constitute development.

Other Matters

14. The appellant has raised several concerns regarding the Council's determination of the planning application, highlighting what they believe to be factually incorrect statements within the planning officer's report. They have also alleged that false and irrelevant reasons were provided in the report. It is not my role to address matters relating to the conduct of the Council, and other avenues are available to the appellant to pursue these issues. I have considered the reasons for refusal detailed in the decision notice and am satisfied that it is reasonable.
15. The onus is on the appellant to demonstrate that the proposals comply with Class Q; the Council does not need to prove that the building is incapable of conversion. I have not addressed matters relating to highways in my determination, as these were not included in the Council's reasons for refusal. Therefore, any perceived inconsistency in the approach of the Highway Authority to the proposals is not relevant to my consideration.
16. The appellant also contends that the Council has a bias towards traditional building conversions as opposed to those utilising modern materials, such as in the case before me. Evidence relating to the number limited number of Class Q applications employing modern design approaches approved has been provided to support this claim. However, I have no evidence before me to indicate that this

³ APP/U2750/W/25/3363983

⁴ APP/E2001/W/25/3363833, 18/03332/AGNROT, 19/04344/AGNROT, APP/C3105/W/23/3329034, APP/Q3305/W/21/3271662, APP/N4720/W/19/3219850, APP/J1860/W/22/3302433, APP/C3430/W/20/3259550, APP/D0840/W/20/3256813, APP/D0840/W/22/3306539, APP/E2734/W/17/3181890, APP/J3720/W/17/3179581

proposal was not considered on its own merits. Indeed, my decision is consistent with that of the Council with regard to the proposed works to the floor.

Conclusion

17. For the above reasons, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

F P Tinsley

INSPECTOR