
Appeal Decision

Site visit made on 9 December 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/Z1510/W/25/3373812

Land Adjoining Popp's Cottage, Little Tey Road, Feering, Essex CO5 9RP

- 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 Bulgin against the decision of Braintree District Council.
 - The application Ref is 25/00372/COUPA.
 - The development proposed is conversion of existing barn into x4 3 bed dwellings as per drawings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant provided an updated Existing Site Location and Block Plans, drawing number 0396 SS00, with the appeal though both the original plan and the revised document have the same drawing number and title. The appellant also submitted a new Structural Feasibility Report dated 23 September 2025 with the appeal, which seeks to answer the concerns raised by the Local Planning Authority.
3. The appellant in their appeal statement stated 'In the current case the amenity land proposed is within acceptable limits but the area for parking does exceed the area limits...updated plans have been provided in the course of this appeal which amend the red line to reduce the area surrounding the Barn and brings it within the areas allowed by the GPDO'. The appellant asks if the amended plans could be allowed under the Wheatcroft Principle.
4. The Council in its response stated that the new evidence is inadmissible and that this new evidence should be submitted in a new prior approval application to allow the Council to publicise the new information.
5. The Procedural Guide: Planning appeals – England Updated 9 December 2025 states that 'The appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted'.
6. Both the revised red line and the updated Structural Feasibility Report would be a substantive change to the proposal, as they present a fundamentally different scheme to that determined by the Council. Accepting the amendments would cause procedural unfairness to the Council and potentially other interested parties. On this basis, the proposed amendments submitted with the appeal fail the tests in the judgement in *Holborn Studios Ltd v The Council of the London Borough of*

Hackney (2018), which refined the “Wheatcroft principles” set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982).

7. I have determined this appeal based upon the evidence submitted and determined by the Council.

Background and main Issues

8. The appeal relates to the conversion of an agricultural barn adjacent to Poppo Cottage into four 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 a change of use together with the extension of the building or Class Q(c) permits a change of use together with building operations reasonably necessary to convert the building or to extend that building.
9. The Council considers the works required would comprise a rebuilding rather than the conversion of the existing building. Consequently, the first 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.
10. The Council in the delegated report states that the proposed development would also not meet the criteria defined under Q3 (1) under Schedule 2, Part 3, Class Q of the GPDO, as the curtilage for each new dwelling is almost double that of the building. Whilst the Council did not include this ground as a reason for refusal, it is clear from both parties submissions within the appeal that this is also a main issue.

Reasons

Are building operations reasonably necessary

11. The barn is a steel framed structure, when I visited the site was approximately half open with remainder of the sides having timber cladding.
12. While I accept the structural survey in so far as it relates that the steelwork and roof are in good condition, it does not fully cover the ground works required or if the steel frame could support a second floor. On this basis it is not known whether the steel work might need to be changed or reinforced to allow the conversion/construction work required to create the four dwellings. This would constitute work that goes beyond that which is defined under Schedule 2, Part 3, Class Q (j) to allow the barn to function as four dwellings.
13. I have noted the appeal decisions provided by the appellant, though no additional supporting information has been provided to demonstrate the evidence the Inspectors made their decisions on. In addition, the appellant has not provided specific comments on these previous appeal decisions. The other appeal decisions each relate to different buildings and the decisions are based on the Inspectors own individual judgements based on the evidence presented to them. Therefore, I can only afford them limited weight.
14. For the above reasons, it has not been demonstrated that the proposed building operations would be reasonably necessary to facilitate the change of use and comply with the relevant limitations and would not amount to a rebuild or the erection of a new building. Therefore, on this issue I conclude that the proposal

would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Site Curtilage

15. The submitted red line, excluding the driveway to the road, includes two parking spaces per dwelling, small front garden areas, a visitor parking space, 45sqm of private rear garden space and the barn seeking conversion.
16. Schedule 2, Part 3, Class Q, Q3 (1)(b) of the GPDO states that for the purposes of Class Q, “curtilage” means the ‘area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building’. From the submitted block plan the amount of combined garden and parking space provided significantly exceeds the land area occupied by the barn.
17. For the above reasons, the proposal would not comply with the interpretation of Class Q, which limits the amount of curtilage that can be sought to be converted as part of the prior approval process. Therefore, on this issue the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

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

A Phillips

INSPECTOR