



Appeal Decision

Site visit made on 9 February 2026

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2026

Appeal Ref: APP/E2205/W/25/3374856

Brisley Farm Buildings, Brisley Lane, Ruckinge, Kent TN26 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.
 - The appeal is made by Messrs Sim against the decision of Ashford Borough Council.
 - The application Ref is NOT/2025/0930.
 - The development proposed is for prior approval for the change of use of an agricultural building and land within its curtilage to a dwelling house and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity and brevity, I have used the description of development from the Council's decision notice since this more precisely and accurately describes the proposal.
3. Although the appellant suggests that the Council failed to apply a collaborative approach to their determination of the application and that its assessment of the prior approval application was too excessive, this is a matter for the parties and not for my consideration as part of this appeal.

Background and Main Issue

4. The national Planning Practice Guidance (PPG) advises that the starting point for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) is that the permitted development rights are a grant of planning permission, subject to the prior approval requirements. Therefore, it is necessary in the first instance to determine whether the proposal falls within the scope of permitted development.
5. Class Q of the GPDO states that development consisting of Q(a) 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 (dwelling houses) of the Schedule of the Use Classes Order¹; and Q(b) building operations reasonably necessary to convert the building, is permitted development.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

6. Where development is proposed under Class Q(a) together with Class Q(b), and found to be permitted development, it is subject to the condition under Paragraph Q.2(1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.
7. In this case, the Council concluded that the proposed development would meet prior approval requirements, subject to conditions, other than an objection to the cumulative total of the building works needed to facilitate residential use. The Council determined that the works would go beyond the scope of Part 3, Class Q of the GDPO.

Reasons

8. The appeal site is located near to the town of Ashford in Flood Zone 2 and 3, the Stour catchment area and the Stodmarsh European Protection Area (SPA), Special Area of Conservation and Ramsar site) (SAC). The appeal building known as 'South Barn' is a 6-bay agricultural-type building with a hardstanding, block work walls with cladding above and a fibre-type roof. 'South Barn' forms part of a wider barn complex associated with Brisley Lodge Farm buildings and is surrounded by what appears to be agricultural type land.
9. The appellants have brought to my attention a number of schemes² in support of their case. However, I have limited details of those schemes before me. Therefore, I have considered the scheme on its own planning merits.
10. It is not a matter of dispute that 'South Barn' is no longer fit for purpose for its originally intended use. Indeed, it is clear that its height and bay width openings are inadequate to accommodate modern farm machinery with ease, particularly when compared to the more modern barns nearby. The main parties also agree that the barn has been used for agricultural purposes. Following my site inspection, where I noted that the barn was being used for the storage of fertilisers, animal feed and agricultural type machinery/equipment, I see no reason to disagree.
11. Class Q limits building operations to the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services and building operations reasonably necessary for the building to function as a dwelling house. As such, the proposal is to change the use of the appeal building to a two-storey residential dwelling on the existing footprint of the barn. Building operations would include a replacement standing seam anthracite clad roof covering, new fenestration and doors, partially renewed timber clad/rendered walls and drainage.
12. The appellants submitted structural engineers report records that the existing foundations and precast concrete purlins and frame of the barn supporting the lightweight roof have functioned satisfactorily to date, and are therefore, considered by the appellants to be adequate for the proposed conversion. As a result it is contended by the appellants that complete rebuilding of the barn would be unnecessary and that the required building operations for its conversion would be reasonable.

² NOT/2024/2109, NOT/2025/0809, NOT/2025/0504, NOT/2024/0026, NOT/2025/0956, NOT/2024/0026, NOT/2025/1269, NOT/2025/0614, NOT/2025/0938, NOT/2025/1465, NOT/2025/1261, NOT/2025/1078, APP/H1840/W/25/3363411, 2023/2409/PAA, and APP/C3105/W/23/3329034

13. Nevertheless, whether the 'Hibbitt' case³ is comparable to the proposal or not, the fact remains that the building operations required to bring the building up to a habitable standard and to mitigate potential flood risk on the site would include the construction of a first floor level for sleeping accommodation and a new raised ground floor; as set out in Section 7.2 of the submitted Flood Risk Assessment. These works would be secured by the Council's suggested condition in this respect, as required by the Environment Agency. Additionally, the roof would be replaced/recovered and the walls at least partially renewed on all sides.
14. Therefore, from the submitted evidence before me, while noting that the barn is set on Weald Clay, in the absence of substantiated and detailed investigation related to the current condition of the barn foundations, or commentary on matters of timber decay and damp penetration, I cannot be certain if the existing foundations would have sufficient load capacity, or be of a suitable grade quality to avoid extensive building works or complete rebuilding of the barn for the proposed residential use.
15. Moreover, as the new floor level would have no structural function other than to mitigate flood risk, the combined works would fall outside the scope of building operations reasonably necessary to convert the building.
16. I conclude therefore, in the planning judgement, that the appeal building would not be capable of functioning as a dwellinghouse without building operations of a substantial nature. As such, the proposed change falls outside the scope of Schedule 2, Part 3, Class Q of the GDPO, and planning permission would be required for the change of use.

Other matters

17. The appeal site is located within the catchment area of the SPA and SAC, which are subject to the Habitat Regulations that protect it. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures, including the certainty of an agreed S106 agreement being forthcoming. Nonetheless, as I have found against the appellant on the main issue, and therefore prior approval is to be refused, this matter need not be considered any further in this case.
18. I acknowledge that the appellants have invested in the farm over a number of years, including the intention for the dwelling to be occupied by a family member in order to help with long-term business progression and to provide on-site provision for animal care/security. The residential use of the dwelling would also negate the need for regular commuting to the farm. Furthermore, the appellant argues there have been no recorded objections to the scheme, and therefore, 'on balance', as the proposal adheres with all parts of the GDPO Class Q other than the Council's objection to the building operations reasonably necessary to convert the building, that the proposal should be acceptable.
19. However, while the above matters and benefits are noted, and whether the Council can demonstrate a 5 Year Housing Land Supply or not, Class Q of the GDPO is not subject to a planning or probability balance.

³ Hibbitt v. SSCLG (2016) EWHC 2853 (Admin)

Conclusions

20. For the above reasons, I conclude the proposal would not be permitted development under the terms of Class Q of the GDPO and would require the express grant of planning permission rather than consent via the prior approval process. Therefore, the appeal is dismissed.

J E Jolly

INSPECTOR