
Appeal Decision

Site visit made on 19 January 2026

by **N Duff BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/U2750/W/25/3372253

Land lying to the north of Copper Beach Drive, Whitley, Selby DN14 0HZ

- 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 H Roberts of Richard Roberts SPV1 Ltd against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0443/ATD.
 - The development proposed is Prior Notification for the Change of Use of Agricultural Building to 2 no. dwellinghouses together with external works reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Richard Roberts SPV1 Ltd against North Yorkshire Council. This application is subject of a separate decision.

Preliminary Matters

3. The appellant name on the application form and appeal form is not consistent. I have consulted the main parties regarding this. The appellant has confirmed that the appellant's name is as shown on the appeal form, therefore I am satisfied that neither party would be prejudiced by my use of it.
4. The development permitted under Class Q and the limitations were amended on 21 May 2024 when the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 (GPDO) came into force. Transitional arrangements are set out under Article 10 of the amending Order therefore, prior approval applications could be made in respect of the old Class Q as it was before 21 May 2024 up until end of 20 May 2025. The application form shows that the appellant wishes for the proposal to be determined under the old Class Q. Therefore, I have considered the appeal against Schedule 2, Part 3, Class Q of the GPDO as it stood prior to 21 May 2024.
5. The Council's third reason for refusal relates to the extent of the curtilage of the proposed dwellinghouses. The appellant has submitted an amended red line site plan as part of the appeal process. The Council has agreed in its statement of case that due to the statutory consultation undertaken during the appeal process, accepting the plan would not amount to procedural unfairness and is therefore not defending reason for refusal three. I have no reason to disagree with the Council on this matter.

6. The appellant has submitted amended plans which show a reduction in the internal floor area of the proposal at first floor level with two alternative ground floor layouts to overcome the second reason for refusal. These plans were not before the Council at the time it made its decision. Under the principles established by the Courts in *Holborn Studios Ltd*¹, to consider such a modification could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. Furthermore, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised applications. As such, I have proceeded to determine the appeal based on the information before the Council when it made its decision.

Background and Main Issues

7. Schedule 2, Part 3, Class Q of the GPDO grants planning permission for (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 (dwellinghouses) of the Schedule to the Use Classes Order or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
8. In the first reason for refusal the Council considered that the proposed demolition would be to reduce the floor area to bring it within the size limits set out in the Class Q of the GPDO rather than being reasonably necessary to carry out building operations. Furthermore, that the proposal would consist of building operations which would go beyond what is considered to be reasonably necessary for the building to function as a dwellinghouse therefore would not accord with Class Q (b).
9. In the second reason for refusal the Council considers that the building would exceed the limitations set out in Paragraph Q.1 (b)(i)(bb) and (d)(i).
10. The main issues of the appeal are therefore:
- whether the proposal accords with the provisions of Schedule 2, Part 3, Class Q (b) having regard whether the building operations including the partial demolition is to the extent reasonably necessary to convert the building; and
 - whether the proposal accords with the provisions of Schedule 2, Part 3, Class Q relating to the amount of floor space having a use within Class C3 (dwellinghouses).

Reasons

Extent of building works

11. Paragraph Q.1 (i) states that Development is not permitted by Class Q (b) if the development would consist of building operations other than (i) the installation or replacement of – (aa) windows, doors, roofs, exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i).

12. The proposal is to convert the barn into a pair of dwellinghouses, the building would effectively be split down the centre to provide two units. The main building is a modern agricultural building, with a steel frame, and is clad in metal and cement bound material.
13. Based on the information provided within the structural report and my observations on my site visit, the building appeared to be in good condition. However, the structural report concluded with respect to the original design, it is reasonable to assume that it is not, in its current, unconverted form, suitable for the proposed, residential occupancy and would require works to ensure its structural adequacy and the extension of its working life.
14. The recommendations set out in the structural report to make the building suitable for residential use, include a cross-wall masonry structure with mutually supporting external and internal load bearing walls, to provide support to the floors, and would be built up to the existing structural steelwork frame, thereby making it redundant. Due to the uncertain nature of the type of foundations of the building, solutions have been set out in the report, in any event, to support the existing foundations.
15. Additional information within the appellant's statement of case has been provided by the appellant's structural engineer, which states that the building may require strengthening, further that the barn is ideally suited for conversion subject to strengthening. The works have been detailed as provision of internal load bearing walls, which reasonably, would be required to support new floors and provide suitable acoustic attenuation, would also be used to reduce the span of the roof joists and provide additional lateral bracing, if necessary. Furthermore, the statement says that it is not envisaged, at this stage, that any unique or specialist building works that will be required to strengthen the existing structure, in addition to the reasonable work required to change the building from an agricultural to a residential use.
16. Taking the above into account, the building may need strengthening and measures provide acoustic attenuation. In addition to internal works to subdivide the building, bearing in mind that internal works are not generally development. However, there is limited substantive evidence before me to determine whether the fibre cement sheeting, which the structural report states may be asbestos, and covers a large proportion of the walls and roof, would require replacement. In addition, the structural survey information states that the steelwork frame would be made redundant, which is the structural element of the existing building. Therefore, on the evidence before me and considering the PPG (Planning Practice Guidance)² and the relevant caselaw³, I cannot be convinced that the operations would not amount to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building.
17. The proposal includes the demolition of two elements of the building. One is a large building which is attached to the east side of the building, the second is a small extension to the rear of the building. Both have demolition consent⁴.

² Paragraph: 105 Reference ID: 13-105-20180615

³ Hibbitt v SSCLG [2016] EWHC 2853

⁴ ZG2025/0756/DEM

18. The Council argues that the removal of the large, attached building, is to reduce the amount of floor area to bring the development within the allowed threshold under Class Q. The demolition of the attached building would achieve a lower floor area overall. However, without the demolition of the attached building, no windows or doors would be able to be installed in the east elevation which would serve one of the proposed dwellinghouses. The windows in the east elevation would serve bedrooms at first floor level and the windows and doors at ground floor level would serve bedrooms and a living area, to one of the dwellinghouses. Whilst the proposal does show rooflights to serve the first-floor rooms, without the demolition of the attached building, there would be no outlook from the rooms and limited natural light, with little or no natural light to the bedrooms on the ground floor. Therefore, I consider that the demolition of the attached building on the east elevation would be reasonably necessary to carry out building operations such as the installation of windows and doors.
19. However, the proposed floor plans show the demolition of a smaller extension on the south side of the building. This covers a modest floor area and is single storey in height.
20. The extension is attached to the main building and is not being shown as retained on the proposed floor plans or elevations and has not been included in the final floor area calculations provided by the parties. Therefore, is shown to be demolished. This part of the building is very modest in comparison to the main building and is located on the rear elevation towards the centre and is low in height. Based on the plans before me and my observations on site, I have limited substantive evidence before me to demonstrate that this element of the building would require demolition for the conversion of the building to take place. Therefore, its demolition would go beyond what is reasonably necessary to carry out building operations.
21. Notwithstanding my findings in relation to the demolition of the attached building on the east elevation. I conclude therefore, for the purposes of Class Q(b) that the extent of the building operations, together with the demolition proposed on the rear elevation of the building would not be reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses). Therefore, the proposal would not be permitted development under Schedule 2, Part 3, Class Q (b) of the GPDO.

Floor space

22. Paragraph Q.1 (b)(i)(bb) and (d) (i) state that the development is not permitted by Class Q if - in the case of – (i) a larger dwellinghouse, within an established agricultural unit – (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres and (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following – (i) a larger dwellinghouse or dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
23. The plans show Gross External Area of each dwelling being 173sq.m at ground floor level and 96.5sq.m at first floor level. For the purposes of the GPDO, “floor space” means the total floor space in a building or buildings. Therefore, I am satisfied that this is Gross Internal Floor Areas (GIFA), which has been provided

within the appeal statement. This demonstrates that the GIFA for the ground floor for both units has a total of 272sq.m and the total GIFA at first floor level is 193sq.m. Which equals a total of 465sq.m.

24. Having regard to the definition of floor space in the GPDO. The proposed corridor between the buildings has access to it through a door into what is shown as an empty space. The appeal statement says that it covers an area of 17.8sq.m. It is not clear based on the evidence before me what function, this space would provide in the future, or whether it would be shared. Therefore, there is limited substantive evidence before me to demonstrate that this space would not form part of the dwellinghouses. Therefore, I consider it to be part of the floor space in the building, accordingly the GIFA would amount to 482.8sq.m.
25. Therefore, for the above reasons, I conclude that the existing building changing use to larger dwellinghouses would have more than 465sq.m of floor space and the proposal would not accord with the provisions of Schedule 2, Part 3, Class Q.1 (b) (i) (bb) and (d) (i) relating to the amount of floor space having a use within Class C3 (dwellinghouses).

Other Matters

26. The appellant has stated that a safe and suitable access can be achieved by the proposal, and that parking would be adequate. Furthermore, an interested party has commented regarding existing noise at the site. However, given my findings that the proposal is not permitted development, there is no purpose in going on to consider whether to grant prior approval for the proposed development which would include matters of transport, highways and noise.
27. I note the appellant's fall-back position which includes the demolition consent, which could be implemented at any time. However, even if this were to be carried out, it would only carry only limited weight due to my overall conclusion.
28. The appellant has expressed general dissatisfaction with the Council's handling of the application, particularly regarding engagement with the appellant during the application process. I deal with this in the application for costs; however, it has no bearing on my determination of the appeal here.

Conclusion

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

N Duff

INSPECTOR