



Chadwick Town Planning

## **APPELLANT'S STATEMENT OF CASE**

Appeal against Cherwell District Council's refusal of:

Prior Approval Notification under Class Q (b) for development referred to in paragraph (a) of Class Q for the 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) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) – App. No. 23/01339/Q56

Crockwell Barn, Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire, OX17 1QT

For  
Mr Roger Yates  
Crockwell Farm LLP

August 2023

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## **1.0 INTRODUCTION**

1.1 This Statement of Case ('the Statement') has been prepared by Chadwick Town Planning Limited ('CTPL') on behalf of Mr Roger Yates/Crockwell Farm LLP ('the Appellant'). It is submitted in support of an appeal under section 78 of the *Town and Country Planning Act, 1990 (as amended)* against Cherwell District Council's ('the Council' or 'local planning authority') refusal to grant Prior Approval for the 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) together with building operations reasonably necessary to convert the building into a dwellinghouse under Schedule 2, Part 3, Class Q (b) of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* ('GPDO'). The building in question is known as Crockwell Barn, Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire, OX17 1QT ('the appeal site').

1.2 The Prior Approval notification (App. No. 23/01339/Q56) was refused by the Council on 12<sup>th</sup> July 2023 for the following reason:

*'Alterations are proposed that would go beyond the building operations permissible under Class Q, which are considered not "reasonably necessary for the building to function as a dwellinghouse" and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building. The proposed development would therefore not comply with the provisions of Class Q.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would require planning permission. In the absence of evidence to the contrary and based on its assessment of the application submissions and a visual appraisal of the building the Council concludes that the application building is not capable of functioning as a dwelling and does not have the permitted development right under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).'*

1.3 The Barn the subject of this appeal is robust and suitable to allow it to be converted into a dwelling. It is structurally sound, suitable for conversion and can be converted into residential use without structural modification. The Appellant's *Structural Engineer's Assessment* prepared by AB Design Solutions Limited provides confirmation of this. The proposed conversion retains the existing steel frame, floor, walls, cladding and roofing on the Barn with fenestration, doors and cladding set back within existing openings. The Appellant therefore contends that the proposal should reasonably and justifiably be considered as a conversion comprising those works reasonably necessary for the building to function as a dwellinghouse and not a 'rebuilding' of the existing building, as concluded by the

Council. The building operations would only be to an extent necessary to make the building weatherproof and suitable for human habitation. There are just minor external works and internal works are limited to dry-lining/insulating the walls and roof to enable the building to function as a dwelling. These works are not “development”<sup>1</sup> and are not prohibited by Class Q of the GPDO. There are no internal structural works. There is no demolition. There is no rebuilding.

- 1.4 The Appellant therefore considers that based upon the evidence provided the appeal proposal falls within the requirements of Class Q(b) of the GPDO, such that the building should benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO to convert the Barn into a dwellinghouse. This is supported by Government advice in *Planning Practice Guidance*, relevant case law and previous appeal decisions on the site and on similar proposals on similar buildings within Cherwell and elsewhere across the country, as set out in this Statement.
- 1.5 The Appellant therefore respectfully requests that the Inspector concludes that the proposal is fully compliant with the provisions of Class Q.1 and Q.2 of Part 3, Schedule 2 of the GPDO for the reasons set out in this Statement and allows the appeal.

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<sup>1</sup> Under Section 55 (2) of the Town & Country Planning Act, 1990 (as amended)

## 2.0 APPEAL SITE

- 2.1 The appeal site, comprising the Barn and its associated curtilage, is located in the north-western part of the village of Great Bourton on the northern side of Stanwell Lane, which is also a public right of way (No. 138/15/20), off Manor Road, which passes south into the heart of the settlement. See Figure 1.



**Figure 1 – Appeal Site Location**

- 2.2 The Barn – the subject of this appeal – lies to the north-west of Crockwell House (a Grade II listed building) and the former farmyard and agricultural buildings at Crockwell Farm to the south; one of these buildings is being converted to a dwelling, with others having been removed and now being replaced by two new dwellings – see Section 3.0 (Planning History).
- 2.3 The Barn has a steel frame and its walls are partially clad with corrugated sheeting and vertically hung timber cladding. A short length of low blockwork wall forms part of the eastern elevation and the building has corrugated sheet roofing. There is an internal blockwork wall behind which there is a lean-to section of the building also constructed with a steel frame, concrete lower walls, steel cladding to the upper walls and corrugated sheet roofing. The building sits on concrete pad foundations and has a concrete floor oversite slab. See Figure 2.



**Figure 2 – Barn to be Converted (South Elevation)**

- 2.4 There is no conservation area for the village and there are no environmental designations affecting the site. To the north, east and west of the appeal site and Barn lies agricultural land and open countryside.
- 2.5 There are no Tree Preservation Orders on site or in its vicinity.
- 2.6 The site is located in Flood Zone 1 – an area with low probability of fluvial, pluvial and surface water flooding.
- 2.7 The site is accessed through the existing access onto Manor Road. See Figure 1.

### 3.0 PLANNING HISTORY & CONTEXT TO APPEAL

3.1 The planning history of the overall site at Crockwell Farm should be seen in two parts.

3.2 The first part relates to the land to the south of the Barn, the subject of this appeal. This is currently being developed through the construction of two new dwellings pursuant to an outline planning permission (19/00250/OUT) and reserved matters approval (21/01254/REM) with a barn conversion being undertaken to the south-west pursuant to other approvals (20/01726/REM and 20/01730/LB). See Figure 3. The Barn is shown to the north of the new development.



**Figure 3 – Approved development to the south of the Barn**

3.3 The second and most relevant part of the planning history relates to the appeal site and the Barn itself, which has now been the subject of four applications under Class Q of the GPDO, with two subsequent appeals, one allowed and one dismissed, not including the current appeal.

3.4 The first application (App. No. 20/01902/Q56) was submitted by the Appellant in July 2020 and was refused by the Council in September 2020 for the following reasons:

- 1. Insufficient information has been submitted to demonstrate that the building relates to an agricultural holding, thus not in compliance with criteria (a), (b), (d)*

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*and (g) of Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

*2. Evidence available to the Local Planning Authority shows that the site was in all likelihood being used for purposes other than agricultural on the 20th March 2013 and therefore the building has not been used solely for agricultural purposes for the period required under part Q.1(a) of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

*3. Insufficient information has been submitted to demonstrate that the existing building is capable of being converted or that the works to convert the building would not exceed the existing building envelope, against criteria (h) and (i) of Class Q.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is therefore refused in accordance with paragraph W. (3) (b). On the basis of the information submitted, the Council concludes that the existing building structure is incapable of conversion in accordance with criterion Q.1 (i) of Class Q, Part 3, and that a lack of information has been submitted to demonstrate that the works required to facilitate the building's use as a dwelling are not so extensive as to constitute a rebuilding of the existing building, thus not permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

3.5 This decision was the subject of a subsequent appeal (APP/C3105/W/20/3264358), which was allowed by the Planning Inspectorate in September 2021 with a partial award of costs against the Council<sup>2</sup>. See Appendix 1 for a copy of the appeal decision. On the appeal, the Inspector concluded as follows:

*'On the evidence before me I find that it has been reasonably demonstrated that the building has been used solely for agricultural purposes and there is no conflict with Part Q.1 to indicate that it is 'development not permitted'.*

*Overall, I find that the proposed change of use to a dwellinghouse would be development that meets the specific requirements of Class Q(a) of the GPDO and that the appeal should be allowed.'*

3.6 In August 2021, the Appellant submitted a further notification to the Council (App. No. 21/02926/Q56) seeking Prior Approval for a change of use of the barn to a

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<sup>2</sup> The Inspector commented: 'The fact that the Council considered the proposal as seeking building operations as well, as per Q(b), was a mistake and led in due course to the Council having to withdraw (part of) the third reason for refusal. This constitutes unreasonable behaviour.'



single dwelling-house (Use Class C3) and for building operations reasonably necessary for the conversion of the building. This was refused by the Council on 19<sup>th</sup> October 2021 for the following reason:

*'Alterations are proposed that would go beyond the building operations permissible under Class Q, which would result in the external dimensions of the building extending beyond the external dimensions of the existing building, and which are considered not "reasonably necessary for the building to function as a dwellinghouse", and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building, which is permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development therefore does not comply with the provisions of Class Q.1 (h) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore requires planning permission.'*

3.7 No appeal was lodged against this refusal but in December 2021, the Appellant submitted another Prior Approval notification to the Council (App. No. 21/04201/Q56) under Class Q (b) of the GPDO for building operations reasonably necessary for Crockwell Barn to function as a single dwellinghouse (Use Class C3), with a covering letter and proposed plans, which are attached as Appendices 2 and 3 to this Statement of Case.

3.8 This was refused by the Council on 8<sup>th</sup> March 2022 for the following reason:

*'Alterations are proposed that would go beyond the building operations permissible under Class Q, which are considered not "reasonably necessary for the building to function as a dwellinghouse", and which would result in the external dimensions of the building extending beyond the external dimensions of the existing building, and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building, which is permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development would therefore not comply with the provisions of Class Q.1 (h) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would require planning permission.'*

3.9 This decision was the subject of a further appeal to the Planning Inspectorate (APP/C3105/W/22/3306638), which was dismissed on 22<sup>nd</sup> December 2022. See Appendix 4 for a copy of the Inspector's decision.

3.10 This appeal focused firstly upon whether the external dimensions of the building would extend beyond those of the existing building, particularly with reference to the proposed cladding and re-roofing of the building as well as the provision of an air source heat pump. The proposal at the time and the Appellant's submissions to the Inspector indicated that the cladding on the walls and roof of the building would be replaced as part of the proposed development. However, the Inspector noted that limited details had been provided on the depth of the proposed cladding compared to the existing and how the cladding would be attached to the frame of the building. As such, it was unclear to the Inspector from the information provided as to whether the re-cladding and re-roofing works would extend beyond the dimensions of the existing building. In addition, the drawings showed the provision of an air source heat pump on the western side of the building as part of the proposed development. Whilst this was identified by the Inspector as a relatively minor addition, positioned on the outside of the building and projecting beyond the existing footprint, the Inspector noted that whilst the installation of services was permitted under clause Q.1(i) of the GPDO, this was only where compliant with the other clauses as set out under Paragraph Q.1. of the GPDO. The Inspector noted the lack of sufficient information to demonstrate the proposed development would comply with clause Q.1(h) and with the air source heat pump not complying with this clause the Inspector concluded that the proposed works, when considered as a whole, would not benefit from Class Q permitted development rights.

3.11 The Inspector then turned to the Council's concern over the amount of work that was proposed to be undertaken to the building.

3.12 The Inspector referred to *Planning Practice Guidance* ('PPG') on Class Q requirements, the reference in the PPG to the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)* ('Hibbitt') and the *Hibbitt* judgement requirement that a Class Q proposal should represent a conversion rather than a rebuild, fresh build or new build.

3.13 The Inspector commented that:

*'...the submissions indicate that all of the external walls would be clad with horizontal timber boarding with new doors and windows inserted. On my visit, I saw none of the building's walls are currently clad in such a manner. Most of the south and part of the western elevations have vertical board cladding which I understand would be taken off and reattached horizontally to the frame. Also, the existing roofing would be removed and replaced.'*

*'As such, it seems that almost all of the proposed external walls would comprise of new fenestration and areas of new or re-installed cladding. Also, the roof covering would be new. Sub-paragraph Q.1(i) of Class Q does not prevent the installation of windows, doors, roofs or exterior walls and the proposed development would involve no demolition. Nonetheless, all of the existing cladding and roofing materials would be removed so that only the frame and floor of the existing building would remain. Having regard to Hibbitt, I consider the works in their entirety would represent rebuild or fresh build. I conclude the development would include operations that go beyond those reasonably necessary for the conversion of the building.'*

- 3.14 This decision provided the context for the Class Q Prior Approval notification, which is the subject of this appeal.
- 3.15 The actual current appeal proposal is markedly different to the notification the subject of the Inspector's comments in Paragraphs 3.9 to 3.13 inclusive above and the dismissed appeal - APP/C3105/W/22/3306638. This is set out in Section 4.0 of this Statement of Case.

#### **4.0 APPEAL PROPOSAL**

4.1 CTPL were instructed by the Appellant in February 2023. The Managing Director of CTPL is Duncan Chadwick, BSc, MSc, MRTPI who has 40 years' experience of both public and private sector planning across the country but especially within Cherwell district having been Head of Development Control & Major Developments at Cherwell District Council for 15 years between 1993 and 2008 before joining David Lock Associates ('DLA') in Milton Keynes and becoming a Partner at DLA in 2012. Duncan set up CTPL in 2021 and has secured a number of Class Q Prior Approvals for clients since 2021 in Cherwell district and other parts of the country.

4.2 The Appellant, architects, consultant team and CTPL reviewed the Inspector's decision (APP/C3105/W/22/3306638) and considered the Inspector's detailed comments, Class Q requirements in the GPDO and decisions on other approved Class Q developments. This led to the revised proposal – the subject of this appeal – being submitted to the Council in May 2023 and incorporating the following significant amendments from the scheme that was dismissed on appeal:

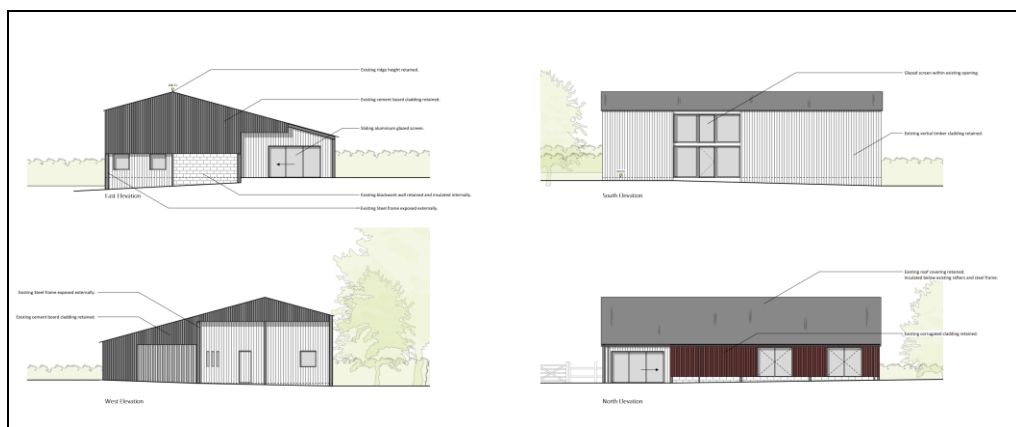
1. Air source heat pump deleted
2. Existing vertical timber boarding retained and not replaced
3. Existing corrugated and other cladding retained
4. Incorporation of cladding and insulation inside the timber boarding
5. Existing blockwork walls retained, painted externally and dry lined internally
6. New doors and windows inserted wherever possible in the existing openings in the building
7. New windows kept to a minimum and recessed so they are kept within the external dimensions of building
8. Existing roofing material retained with insulation below the existing rafters and steel frame
9. Existing floor retained and insulated
10. All works confined to within existing dimensions of the building
11. Deletion of the first floor accommodation – so just single-storey
12. Internal garage deleted and incorporation of external parking area

4.3 The appeal proposal therefore addresses the Inspector's previous comments and concerns as:

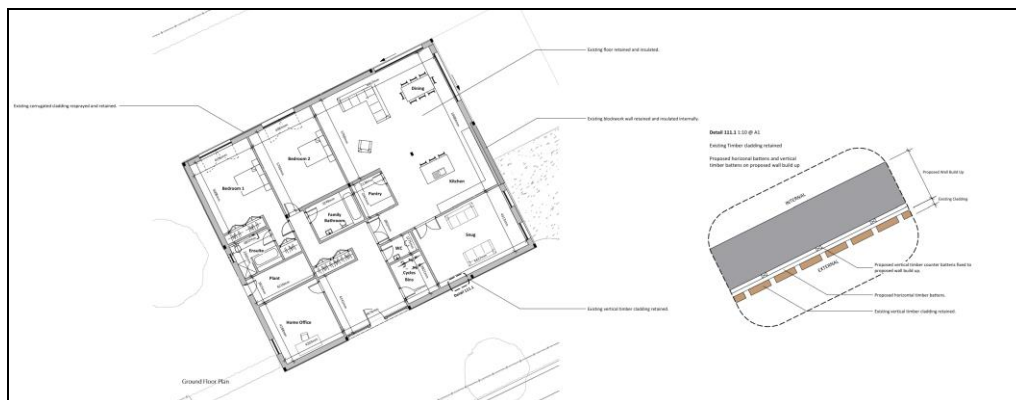
- 1) It would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point; and
- 2) None of the proposed external walls would comprise of substantial areas of new or re-installed cladding. Also, the roof covering would be as existing not new. All

of the existing cladding and roofing materials would be retained not removed so all of the existing building and its fabric would remain at all times. This was supported by an updated *Structural Engineer's Assessment* by AB Design Solutions Limited – Consulting Structural & Building Engineers. This Assessment concluded, based upon inspections on site and consideration of the architect's proposals, that the conversion of the barn was entirely feasible without the need to introduce additional structure nor with any re-construction, re-building or change to the external structure or dimensions of the building.

4.4 The proposed conversion scheme is shown on the submitted drawings but in brief at Figures 4 and 5.



**Figure 4 – Proposed Conversion – Elevations**



**Figure 5 – Proposed Conversion – Floor Plan & Detail**

4.5 Having regard to advice in the PPG, the conclusions of *Hibbitt* and the previous Inspector's comments (APP/C3105/W/22/3306638) the Appellant considers it reasonable and justifiable to conclude that the appeal proposal, which retains the existing steel frame, floor, walls, cladding and roofing with fenestration set back within existing openings, can be described as a conversion covering those works reasonably necessary for the building to function as a dwellinghouse. Moreover, the building operations would be to an extent only necessary to make the building weatherproof and suitable for human habitation. It follows that on the evidence

provided, the proposal falls within the requirements of Class Q(b) of the GPDO such that the building would benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO, subject to the conditions set out in paragraphs Q.1 and Q.2 of the GPDO.

- 4.6 These conditions – in Q.1 and Q.2 – and the proposal’s compliance with them are set out in full in Appendix 5, for the avoidance of doubt.
- 4.7 It should also be noted at this point that the Barn already has the benefit of “Prior Approval” under Schedule 2, Part 3, Class Q(a) (only) of the GPDO for a change of use into a single residential dwelling (Use Class C3) in accordance with the terms of Application No. 20/01902/Q56, allowed on appeal under APP/C3105/W/20/3264358 on 28<sup>th</sup> September 2021.

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## 5.0 APPELLANT'S RESPONSE TO COUNCIL'S REASON FOR REFUSAL

- 5.1 The Council concluded – see Planning Officer's Report at Appendix 6 - that the proposed Prior Approval notification accorded with criteria Q.1 (a), (b), (d), (e), (f), (g) and (h) of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* with criterion (c) not relevant in this instance. The Council noted that as the appeal site is not on article 2(3) land, is not or does not form part of a SSSI, safety hazard area or military explosives storage area, is not or does not contain a scheduled monument, and the building is not listed that criteria (j)–(m) of the GPDO were also satisfied.
- 5.2 The Council considered that only criterion (i) was not satisfied – addressed in this section of the Statement of Case - and that the existing structure was not '*capable of functioning as a dwelling without a significant level of alteration and rebuilding work.*' The Council made an assessment regarding the compliance of the Prior Approval proposal with the conditions set out under Q.2 of the GPDO (i.e. transport, highways, noise, contaminated land and flooding), the practicality of the site, the design and appearance of the building, natural light and the curtilage of the site and concluded that all such matters were acceptable.
- 5.3 The Appellant has summarised the appeal proposal's response and compliance with these Q.1 and Q.2 GPDO requirements and these are included in Appendix 5.

### **i) Council's reason for refusal**

- 5.4 The Council's reason for refusal of the appeal notification focused on Class Q.1 (i) and stated:

*'Alterations are proposed that would go beyond the building operations permissible under Class Q, which are considered not "reasonably necessary for the building to function as a dwellinghouse" and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building. The proposed development would therefore not comply with the provisions of Class Q.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would require planning permission. In the absence of evidence to the contrary and based on its assessment of the application submissions and a visual appraisal of the building the Council concludes that the application building is not capable of functioning as a dwelling and does not have the permitted development right under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).'*

**ii) GPDO Class Q.1 (i)**

5.5 It is worth noting, at this stage, that the Class Q.1. criterion (i) of the GPDO states that the following is not permitted development:

*(i) the development under Class Q(b) would consist of building operations other than—*

*(i) installation or replacement of—*

*(aa) windows, doors, roofs, or 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 reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);*

**iii) Planning Practice Guidance ('PPG')**

5.6 The Government's *Planning Practice Guidance* gives further advice on the works that are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use.

5.7 It states<sup>3</sup> as follows:

*'The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.*

*However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing*

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<sup>3</sup> Paragraph: 105 Reference ID: 13-105-20180615



*building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.*

*For a discussion of the difference between conversions and rebuilding, see for instance the case of [Hibbitt and another v Secretary of State for Communities and Local Government \(1\) and Rushcliffe Borough Council \(2\) \[2016\] EWHC 2853 \(Admin\)](#).*

*Internal works are not generally development. For the building to 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, which are not prohibited by Class Q.'*

#### **iv) Hibbitt case & PPG guidance**

- 5.8 The *Hibbitt* case referred to in the PPG is relevant and also instructive in this case. The claimants (*Hibbitt and Another*) owned a large, 30 metre, steel framed barn largely open on three sides and sought Prior Approval under Class Q to convert it to a dwelling, which was refused by Rushcliffe Borough Council and later dismissed on appeal. The claimants applied to the High Court to quash the decision of the Inspector as they stated that it was permitted development to allow the installation of all four exterior walls.
- 5.9 The High Court judge, Mr Justice Green, in his assessment clarified that a "conversion" of an agricultural building can constitute permitted development under Class Q but a "rebuild" cannot. In the judgement, dated 9<sup>th</sup> November 2016, Mr Justice Green concluded that the overarching provision of Class Q is to convert buildings and upheld the Inspector's decision, which concluded that the *Hibbitt* building was not capable of functioning as a dwelling without the building works, which included the construction of all four exterior walls. This was held to go well beyond what could reasonably be described as conversion. Importantly too, Mr Justice Green made it clear that the extent of the works is not decisive. In §34, he states, "*In many permitted developments the work might be extensive yet that does not thereby disqualify a development from automatic permission.*" This is picked up later in the Statement of Case when looking at the outcome of various Class Q appeals both in Cherwell and the rest of the country.
- 5.10 In light of Mr Justice Green's High Court judgement the Government's *Planning Practice Guidance* was updated on the 22nd February 2018. Paragraph 105 of the

Planning Practice Guidance previously stated<sup>4</sup> that it was not the intention of the permitted development right to include the construction of new structural elements for the building. The PPG – see Paragraph 5.7 - now confirms that internal structural works are not generally “development”<sup>5</sup> and that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including internal walls, which are not prohibited by Class Q.

#### **v) Extent of Works**

5.11 The Inspector on the previous Class Q (b) appeal at Crockwell Barn (APP/C3105/W/22/3306638) noted that almost all of the proposed external walls would comprise new fenestration and areas of new or re-installed cladding and that the roof covering would be new, so that only the frame and floor of the existing building would remain. As such, having regard to *Hibbitt*, the Inspector considered that the works in their entirety would represent rebuild or fresh build and include operations that would go beyond those reasonably necessary for the conversion of the building. The Inspector made no comment nor raised any concern about a new ‘internal structure’ referred to by the Council.

5.12 The Appellant closely and carefully scrutinised the Inspector’s comments before preparing the current appeal scheme, which - it is contended - fully and satisfactorily addresses each and every concern of the previous Inspector regarding the extent of the building works principally via the retention of the existing cladding and roof covering, accommodation on a single floor and the insertion of fenestration largely within existing openings in the building.

5.13 The Council noted this (Officer’s Report - Paragraph 8.17 at Appendix 6) but referred, once again, to:

*‘..substantial internal works including walls and horizontal and vertical battens on those walls. The works effectively amount to the construction of a structure within the existing steel frame.*

*It is considered that the application proposals are for a new structure within the barn rather than a conversion of the existing structure and that the proposed works do not rely on the existing structure.’*

5.14 Before going on to examine this, it is important to note that the Appellant takes issue with the Council’s comments at Paragraph 8.16 of the Officer’s Report that ‘it is reasonable to conclude that the works proposed in the last application (CTPL –

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<sup>4</sup> Paragraph: 105 Reference ID: 13-105-20150305 - Revision date: 05 03 2015

<sup>5</sup> Under Section 55(2) of the Town and Country Planning Act 1990.

this is a reference to APP/C3105/W/22/3306638) were those necessary for the building to function as a dwelling. The first Inspector's comments, reported at para 8.10 above [of the Officer's Report], are worth noting – that "significant changes to the form of the structure" would be required before it could be "fit for human habitation".

5.15 The Appellant would like to point out that:

- a) the current appeal proposal is a new, amended proposal;
- b) each application/appeal should be considered on its own individual planning merits;
- c) the proposal has been prepared following the previously dismissed appeal;
- d) this dismissed appeal followed an earlier appeal that was allowed, granting approval under Class Q (a) of the GPDO for the principle of the conversion of the Barn to a dwellinghouse;
- e) the Inspector said that this would not prejudice a subsequent assessment of any building operations proposed under Q(b) if applied for;
- f) costs were awarded against the Council in this appeal for considering matters that were not proposed as part of the application; and
- g) the [second] Inspector on the most recent appeal (APP/C3105/W/22/3306638) made no comments about the structure, only that:

*'The appellant's structural report states the building's frame is in good condition and that it is capable of carrying the load of the proposed external walls and roof. No new foundations or structural support are proposed.'*

5.16 The Appellant's supporting material/documentation for the application the subject of this appeal described both the existing building and the proposed building operations to convert the building. This included a *Structural Engineer's Assessment* by AP Design Solutions Limited, which states:

*'The proposals are for a single storey dwelling. The existing corrugated cladding and timber boarding is to be retained and lined internally to provide thermal and finish surfaces. The roof covering is also to be retained and insulated internally. Existing openings are to be infilled with glazing and cladding. There is no evidence to suggest there are any shortcomings to the existing structure to support linings to the existing external walls or roof. However, we would suggest linings to the roof are light weight as whilst there is some redundancy in the existing structure, this would need to be checked if heavier more traditional linings are used to the roof soffit/ceiling. Internal studwork or concrete walls will not be structural and therefore will add no additional loads to the walls or can be easily supported by the steel portal frame.'*

- 5.17 The *Structural Engineer's Assessment* makes it absolutely clear that the proposal does not affect the primary structure; indeed the new openings are positioned to minimise structural works. It adds that the load paths remain unaltered and thus the character and integrity of the structure will also remain unaltered. It also confirms that the structure does not require strengthening and that the existing envelope of the building is not changing, with sufficient spare capacity in the structure to support internal linings and lightweight finishes suitable for conversion and use as a dwelling.
- 5.18 The *Structural Engineer's Assessment* concludes that inspections on site and consideration of the architect's proposals indicate the conversion of the barn is entirely feasible without the need to introduce additional structure nor with any re-construction, re-building or change to the external structure.
- 5.19 The Council consulted the Building Control Officer who raised no issues, concerns or objections to the proposal, simply commenting that the proposal would require a Building Regulations application. The Council did not seek any advice from a specialist Structural Engineer, preferring instead to base its assessment on the application submissions and a visual appraisal of the building by the Planning Officer, who, it is presumed, has no relevant qualifications or expertise in construction or structural engineering matters.
- 5.20 The Appellant contends that the Council's assessment of the works to convert the building should not include reference to '*substantial internal works including walls and horizontal and vertical battens on those walls*'. The evidence provided by the Appellant's Structural Engineer confirms that these works do not amount to the construction of a structure within the existing steel frame. The Appellant considers that the Structural Engineer's expert opinion should be given the greatest weight being, as it is, the only technical advice available, rather than rely on the Council's "visual appraisal" of the building and the Planning Officer not taking any specialist advice to confirm their "visual appraisal". In short, no evidence has been provided by the Council that challenges or undermines the Appellant's Structural Engineer's findings and report, which was acknowledged in the second [last] Inspector's comments (Paragraph 5.15 above).

**Not "development"**

- 5.21 Notwithstanding this, the works that the Council appear to be most concerned about are internal, which are not "development" within the meaning of Section 55 (2) of the *Town & Country Planning Act, 1990 (as amended)*, which states:

(2) *The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*

(a) *the carrying out for the maintenance, improvement or other alteration of any building of works which—*

(i) *affect only the interior of the building, or*

(ii) *do not materially affect the external appearance of the building*

5.22 This is set out in the Government's advice on Class Q proposals in the PPG. In addition, by virtue of advice in the PPG (following *Hibbitt*) such works are not prohibited by Class Q. This has been accepted in many appeals, as set out later in this section of the Statement.

5.23 As indicated in Section 4.0 of this Statement of Case, the steel frame and walls, which are partially clad with corrugated sheeting and vertically hung timber cladding will be retained. A short length of low blockwork wall forms part of the eastern elevation and the building has corrugated sheet roofing, which is to be retained. The Appellant's *Structural Engineer's Assessment* states the building's frame is in good condition and that it is capable of carrying the load of the proposed works. No new foundations or structural support are proposed and there is no demolition proposed.

5.24 The extent of the works proposed is only what is reasonably necessary for the building to function as a dwellinghouse and provide a weather-tight dwelling. Existing openings are to be utilised for fenestration. The only new windows, glazed doors and cladding are modest in size, number and extent and meet the objective of the provision of adequate natural light in all habitable rooms of the dwellinghouse. The internal works are not classed as development requiring planning permission. The Appellant therefore considers that the proposed building operations should be classified as a conversion in light of the advice in the PPG, case law in *Hibbitt* and given the extent of the existing structure that will be retained and contribute to the creation of the new dwellinghouse.

5.25 From all of this, it is considered reasonable to conclude that despite the Council's assertion in the reason for refusal of the appeal proposal, the Appellant has in fact demonstrated that: i) the works required to facilitate the building's use as a dwelling are not so extensive as to constitute a rebuilding of the existing building; and ii) that they consist only of building operations to the extent reasonably necessary for the building to function as a dwellinghouse. They therefore satisfy Class Q.1 (i) of the GPDO and constitute "permitted development" under the GPDO as all requirements in Class Q.1 and Q.2 have been satisfied.

- 5.26 The Cambridge Dictionary definition of “rebuilding” is ‘*to build something again that has been damaged or destroyed*’, which clearly does not apply in this instance. As for the difference between “maintenance, improvement or other alteration” and rebuilding, this is a matter of fact and degree, and each case must be judged on its own facts: *Hewlett v Secretary of State for the Environment [1983] J.P.L. 105 (McNeil J.)*; *[1985] J.P.L. 404, CA* and *Arnold v Secretary of State for Communities and Local Government [2015] EWHC 1197 (Admin)*.
- 5.27 The building at Crockwell Barn and its fabric is to remain intact. It is in good structural condition – as confirmed by the Appellant’s *Structural Engineer’s Assessment* and not challenged by the Inspector on the most recent appeal. As a matter of objective, rational planning judgement the proposed works are minor and not so extensive as to constitute a rebuilding of the existing building, when applying the principles of *Hibbitt* and following Government guidance in the PPG.
- 5.28 It was held in *Hibbitt* that the concept of ‘conversion’ is found in the overarching provisions of Class Q and that it introduces a discrete threshold whereby if a development does not amount to a ‘conversion’, then it would fall at the first hurdle, without having to delve into the exceptions in Q.1. That aspect was found to be a freestanding requirement that must be met irrespective of anything in Q.1. From all of the foregoing, the evidence totally supports the Appellant’s contention that the appeal proposal clearly amounts to a conversion and satisfies all the requirements of Q.1, including (i) and Q.2 of the GPDO so constitutes permitted development.

#### **vi) Supporting appeal evidence from Cherwell district**

- 5.29 The Appellant contends that the Council has not had regard to Section 55 (2) of the *Town & Country Planning Act (1990)*, has not correctly applied *Hibbitt* and has mis-directed itself or misinterpreted *Planning Practice Guidance* on Class Q. This has occurred before by the Council in its determination of applications for the conversion of modern agricultural buildings, as evidenced in various appeals.
- 5.30 The Council has had numerous appeals allowed on this basis, including at Little Haven (APP/C3105/W/21/3276772), Wooden Hill Farm (APP/C3105/W/18/3212286) and Banbury Road, North Newington (APP/C3105/W/21/3276611) where the Council considered that the works went beyond those reasonably necessary to make a building function as a dwelling. In all of these cases, the proposals involved the retention of the external walls and insulating within and the Inspectors considered that whilst the works were, in some cases considerable, they were not to a degree that would amount to a fresh

build of the structure, nor involve building operations that fall/fell outside of those described in Class Q.1(i) of the GPDO.

Appeal Ref: APP/C3105/W/21/3276772 Little Haven, Barford Road, South Newington, Banbury OX15 4LN

- 5.31 In the appeal decision at Little Haven, South Newington, issued in September 2021 (see Appendix 7), the Class Q proposal related to 3 bays of a 4 bay agricultural building of relatively recent construction. The building had a galvanised steel portal frame and concrete slab floor. The lower section of the two existing external walls that related to the proposal were constructed from blockwork with vertical timber boarding to the upper part. Save for where plywood had been applied to the internal face, the timber boarding had gaps providing ventilation. The side and rear elevations did not provide any openings, but the front elevation of the three bays was open. The pitched roof was covered with corrugated cement sheets with some translucent panels spanning between timber purlins. The Inspector's observations were that the building was generally in a good state of repair. See Figure 6 for a photograph of the building and Figure 7 for the proposed conversion scheme.



**Figure 6 – Little Haven, South Newington**



**Figure 7 – Little Haven Proposed Conversion**

5.32 The Inspector concluded as follows:

*'[The] PPG further advises that internal works are not generally development and that 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, which are not prohibited by Class Q. It follows that the insertion of internal insulation and partitions are not prohibited under Class Q.'*

*'Therefore, based on the information presented, although the cumulative extent of the works proposed to facilitate a residential use would be considerable, I am satisfied that it would not be to a degree that would amount to a fresh build of the structure, nor involve building operations that fall outside of those described in Class Q.1(i) of the Order. In addition, the building operations would be to an extent reasonably necessary to make the building weatherproof, warm and suitable for human habitation.'*

5.33 This allowed appeal and decision supports the Appellant's case, which involves a not dissimilar building or structure but much less extensive works than deemed acceptable by the Inspector at Little Haven.

Appeal Ref: APP/C3105/W/18/3212286

Barn at Wooden Hill Farm, Barford Road, Bloxham, Oxon OX15 4LP

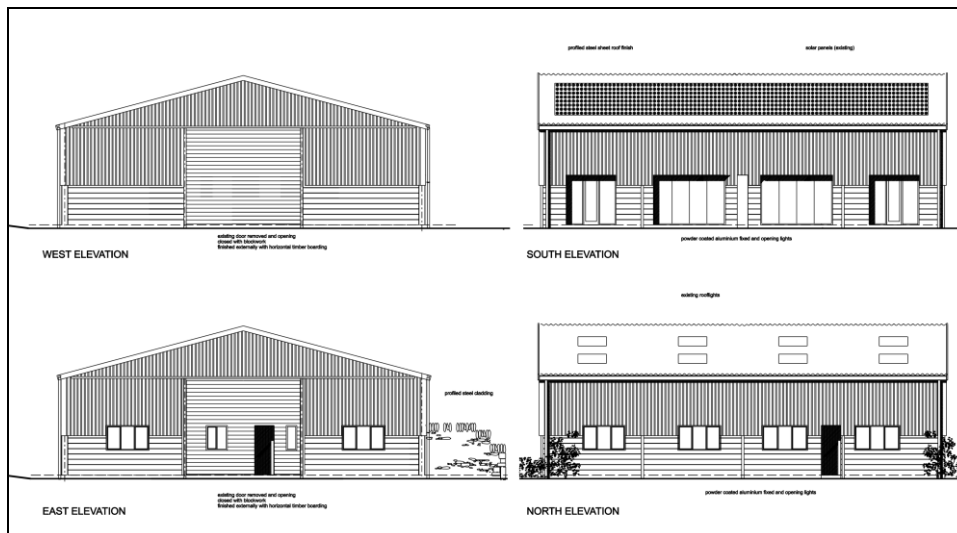
5.34 The next example and supporting case is a four-bay steel portal framed agricultural building with a dual pitched roof covered with asbestos sheeting at Wooden Hill Farm, Bloxham. The roof was supported by rolled steel angle purlins which spanned between portal frames. The walls were constituted from tall



concrete blocks, above which was metal cladding up to the eaves height. See Figure 8. The proposal is included as Figure 9.



**Figure 8 – Wooden Hill Farm, Bloxham**



**Figure 9 – Wooden Hill Farm, Bloxham - Proposal**

5.35 The proposed works involved the stopping up of the existing agricultural scale openings and the insertion of domestic doors and a number of windows. The roof covering was also to be replaced with insulated steel profile sheets. Whilst not referred to by the Appellant, the Inspector also noted on the site visit that the building lacked a solid floor slab which presumably would need to be constructed as part of the residential conversion. Nevertheless, all four of the external walls of

the existing structure were to be substantially retained, with insulation being undertaken as internal works to the building. The Inspector added that he was not aware of any provision in the GPDO which would indicate that, in principle, steel portal framed buildings were not a suitable form of building for conversion under Class Q of the GPDO.

- 5.36 The Inspector allowed the appeal commenting that the replacement of a roof covering and insertion of new openings are expressly permitted in principle under Class Q.1.(i)(i) and would be reasonable operations to provide a suitable living environment for future occupiers.
- 5.37 Furthermore, the Inspector added that *Planning Practice Guidance* advises that it may be appropriate to undertake internal structural works, including allowing for a floor. Accordingly, the Inspector concluded that the existing building was capable of conversion to residential use without building operations that would amount either to complete or substantial re-building of the pre-existing structure. See Appendix 8 for a copy of the decision notice.

Appeal Ref: APP/C3105/W/21/3276611

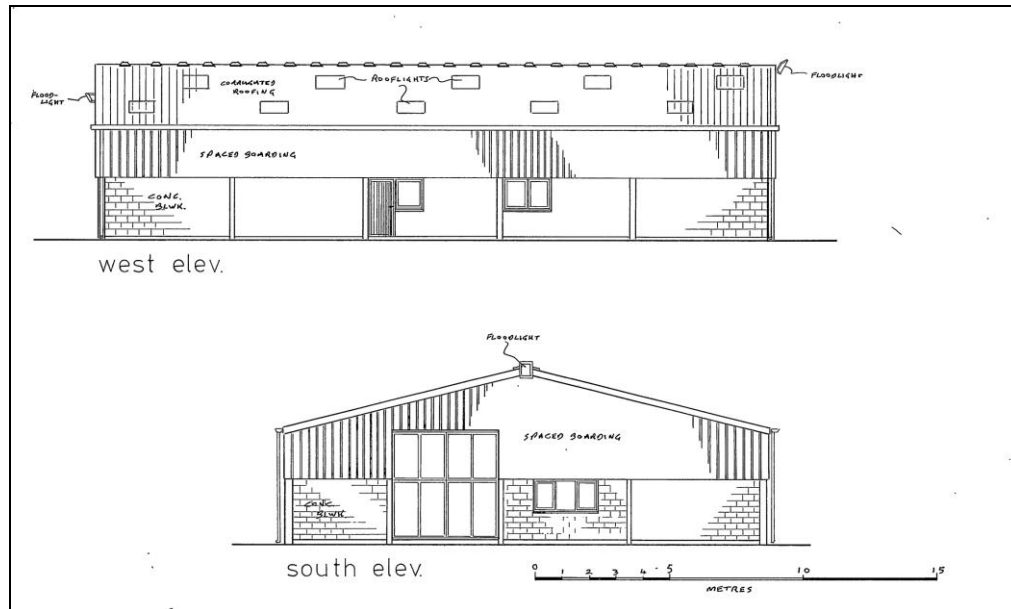
Part of OS Parcel 5900, East of Broughton and North Newington, Banbury Road, North Newington/Banbury, Oxfordshire OX15 6AA

- 5.38 This agricultural building was a modern steel portal framed building constructed in approximately 2002. Aside from large doors in the north, east and southern elevations, the structure is enclosed with walls comprising approximately 2m high blockwork at the lower level with hit and miss vertical timber boarding above. In addition, there is corrugated cement sheeting to the pitched roof together with some rooflights. See Figure 10.



**Figure 10 – Barn at Banbury Road, North Newington**

5.39 The proposal involved new window/door openings, ground floor partition walls and insulated internal finishes to the roof and walls. The accompanying Structural Report stated that it was normal to install insulation to meet Building Regulations but the additional load would be insignificant. In summary the barn structure would not need significant remedial works. The proposal is shown at Figure 11.



**Figure 11 – Barn at Banbury Road, North Newington - Proposal**

5.40 The Inspector allowed the appeal – see Appendix 9 - commenting:

*'From the information in the structural report, plans and appellant's appeal statement, the cumulative extent of the works proposed to facilitate a residential use would be considerable, but given the retention of original fabric in this case, not to such a degree that it would amount to a fresh build of the structure. Moreover, the proposed external changes would fall within the building operations listed in paragraph Q.1(i) of the Order. In addition, the provision of internal walls and insulation would be generally required to meet regulatory standards necessary to make the building warm, dry and suitable for human habitation. PPG advises that internal works are not generally development. Therefore overall, the proposal would constitute a conversion covering those works reasonably necessary for the building to function as a dwellinghouse.'*

*The detailed circumstances in relation to the proposal before me differ from those of the building considered in the Hibbitt case, in that the building in that case was largely open sided and involved the construction of four exterior walls. In contrast the proposal before me would retain a significantly greater degree of original building fabric.'*

5.41 The Appellant contends that the appeal proposal at Crockwell Barn relates to a similar building as at North Newington, but with works much less extensive, whilst retaining the original fabric, such that there should be no doubt that it would be a conversion and not amount to a fresh build of the structure. The limited external changes would fall within the building operations listed in paragraph Q.1(i) of the GPDO whilst the provision of internal walls and insulation would be required to meet Building Regulations and necessary to make the building warm, dry and suitable for human habitation. The PPG advises that internal works are not generally development. Therefore overall, the Appellant considers that the proposal – as with the appeals allowed in similar circumstances at Little Haven, Wooden Hill Farm and North Newington – should be accepted as constituting a conversion covering those works reasonably necessary for the building to function as a dwellinghouse, as permitted by Class Q of the GPDO.

#### **vii) Supporting Appeal Evidence from Elsewhere in the Country**

5.42 As indicated earlier in the Statement, the Appellant recognises that each application or case should be considered and determined on its own individual planning merits. However, previous decisions by the Council and appeal decisions are capable of being a material consideration and should therefore be taken into account when determining a proposal such as this. There are plenty of other decisions that could be cited but we refer to three examples.

[Appeal Ref: APP/Y2810/W/19/3234921](#)

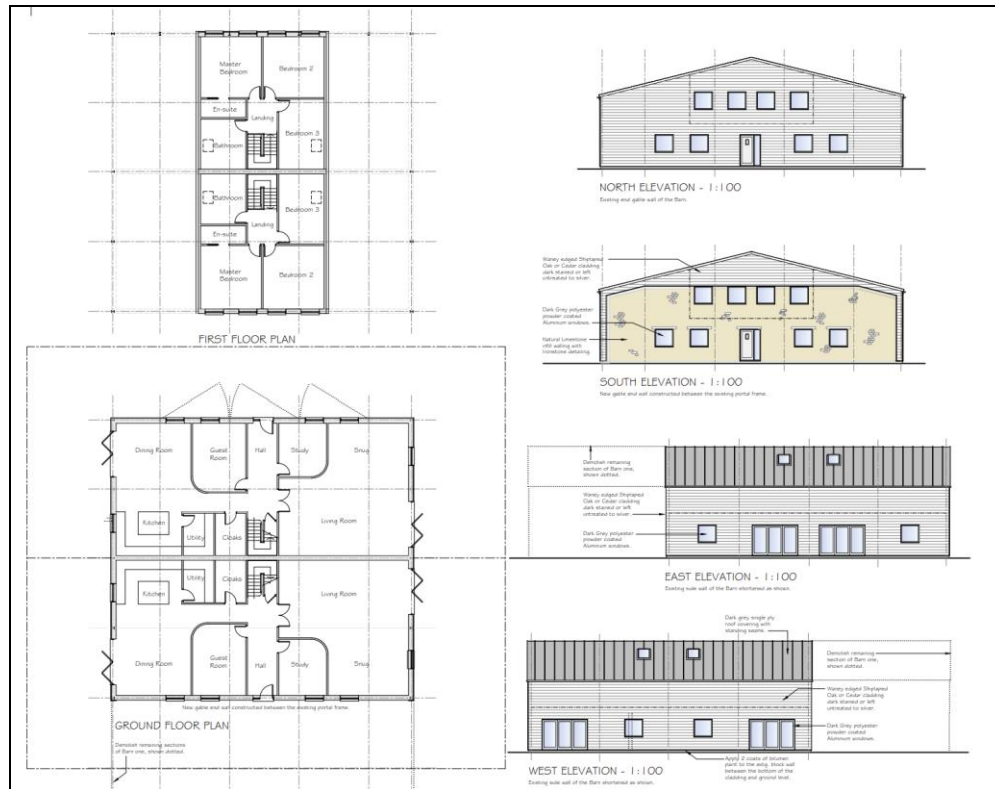
[Church Farm Barns, Church Farm, Overstone Park, Overstone NN6 0AE](#)

5.43 This appeal at Barn 2, Overstone, Daventry related to a barn with an existing steel portal frame, corrugated roof and concrete floor. Some parts of the elevations had single leaf blockwork on the lower half with timber cladding on the upper half, while other parts of the building had open elevations. The appeal scheme consists of the demolition of part of the barn. See Figure 12.



**Figure 12 – Barn at Overstone, Daventry**

5.44 The proposal added a new gable where demolition was required to bring the proposed dwelling within the floorspace limitations imposed by Class Q. The Structural Report submitted with the application demonstrated that the new walls were not structural. The existing block walls were retained and extended upwards and over clad. See Figure 13.



**Figure 13 – Barn 2 at Overstone - Proposal**

5.45 The Inspector stated – see Appendix 10:

*'Furthermore, since the report [Structural Report] adds that the steel frame itself will be able to resist the wind loading that will be generated by the external cladding, without any strengthening, I am satisfied that the masonry walls would not introduce any substantial structure to the proposals. Moreover, new exterior walls are permitted by paragraph Q.1 of the GPDO.'*

*Overall, while I acknowledge that parts of the barns have doors or are partly open sided, since large portions of each barn would utilise the existing blockwork walls and given the findings of the Report, I am not persuaded that the proposed works would constitute starting afresh as was the finding in the Hibbitt case.*

*While the proposal for Barn 2 would involve new foundations to support a new mezzanine floor, these elements are not prohibited by Class Q of the GPDO as set out in PPG paragraph 105.'*

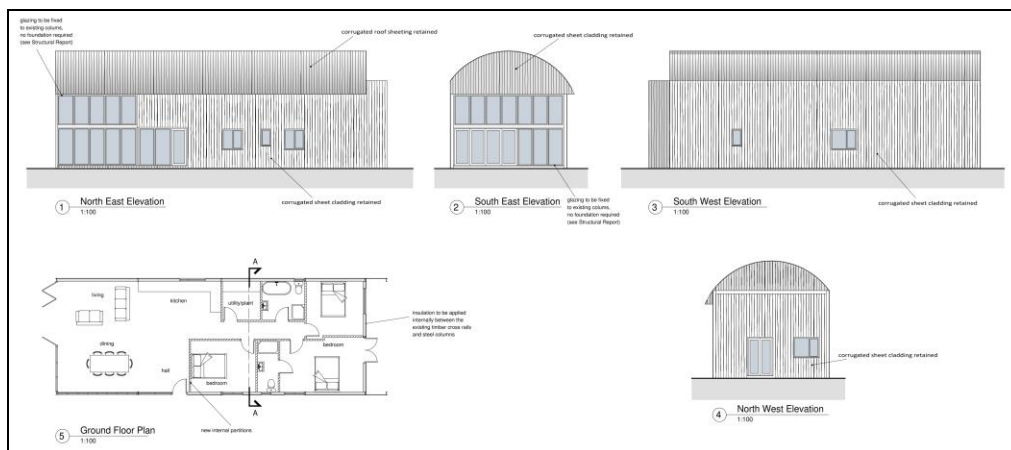
Appeal Ref: APP/J1860/W/22/3302433

Land adjoining Hurst Farm, Castlemorton, Malvern WR13 6LS

5.46 This building was a steel framed four bay Dutch barn. The barn's elevations were predominantly clad in corrugated metal sheets from ground to eaves level. However, the south elevation of the barn was open to eaves level, with an opening to one of the bays on its north-eastern elevation. The barn's roof was also clad in corrugated metal sheets, whilst it has a loose hardcore floor. See Figure 14 for the building and Figure 15 for the proposal.



**Figure 14 – Barn at Castlemorton**



**Figure 15 – Barn at Castlemorton - Proposal**

5.47 The Inspector commented on this recent appeal decision issued in February 2023 – see Appendix 11:

*'The proposed dwelling's external envelope would predominantly comprise of retained elements of the existing building. Although sizeable areas of glazing are proposed to be introduced, particularly to the north east and south east elevations, these are capable of being supported by the existing steelwork without further reinforcement and would fall within the scope of Q1(i) of the GPDO.*

*Likewise, further alterations including the connection of services, are more limited in nature and also remain in accordance with those permitted under Q1(i) of the GPDO.*

*Concerns have also been expressed by the Council regarding the extent of internal works that would be required. Section 55(2) of the Town and Country Planning Act 1990 (as amended) is clear that internal works are not generally development. This is reinforced by the Planning Practice Guidance (PPG), which states "Internal works are not generally development. For the building to 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, which are not prohibited by Class Q".*

*A new concrete floor with damp proof membrane is proposed, however, from the evidence before me it appears that the existing floor is not a structural component. A first floor and other internal partition walls would also be provided, as well as insulation to the roof and walls. Cumulatively, the extent of all the building operations proposed are considerable, however, I consider they would be reasonably necessary given that the building is suitable for conversion.*

*Overall, I am satisfied, based on the evidence before me, that the structural integrity of the building is sound and that it would form an integral part of the proposed dwelling. Additionally, I find that the proposed building operations would be reasonably necessary and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO.'*

Appeal Ref: APP/Q3305/W/21/3271662

Building at Row Lane, Laverton, Frome, BA2 7RA

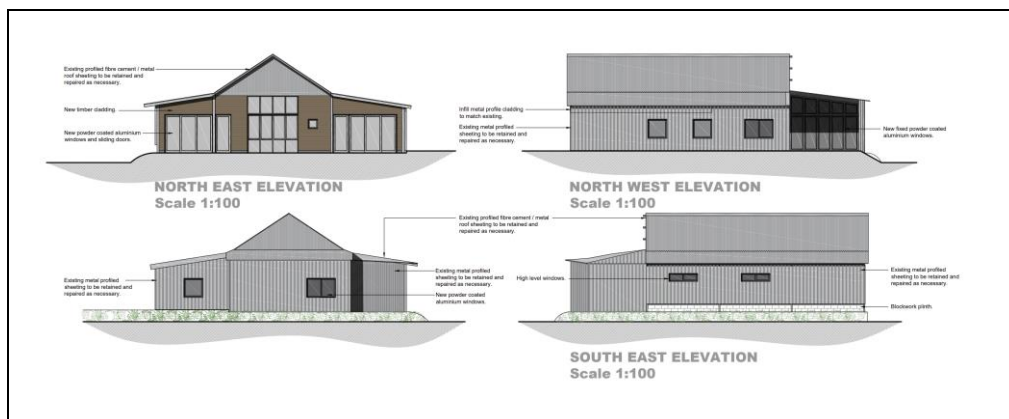
- 5.48 The final supporting case supplied<sup>6</sup> relates to a barn at Row Lane, Laverton, Frome. See Figure 16 for a photograph of the front elevation and Figure 17 for the proposal.

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<sup>6</sup> There are numerous other appeal decisions that could be cited including - APP/D0840/W/22/3295671, APP/D0840/W/22/3306539, APP/N1025/W/22/3311865 and others



**Figure 16 – Barn at Row Lane, Laverton**



**Figure 17 – Row Lane, Laverton – Proposal**

5.49 Again, the Inspector noted that this proposed conversion to a dwelling would mean some extensive works, although commented that as this is a barn this is not uncommon. The Inspector went on to comment:

*'In maintaining much of the existing cladding (with some repairs where necessary) the majority of the new exterior works would be to the north-east elevation, which is currently open. There would be some infilling to the other elevations, but not to an extensive degree. I would conclude that the exterior works (including new openings, for example) do not go beyond what is reasonably necessary for the conversion.'*



*The proposal would be a conversion, rather than a new build development. Whilst I acknowledge the High Court Judgement in the case of Hibbitt v SSCLG (2016), in this case I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q.'*

5.50 The Appellant considers that these examples indicate that the Council's decision to refuse Prior Approval for the conversion of Crockwell Barn under Class Q (b) of the GPDO was erroneous and inconsistent with appeal decisions both within Cherwell district and nationally. These appeal decision - all allowed - by Planning Inspectors applying Class Q, PPG advice and *Hibbitt* case law and having regard to other appeals - have involved works which have gone way beyond what is proposed as part of this appeal to a building that is more substantial and structurally sound than most of the other cited examples. Whilst circumstances may differ between cases to allow the current appeal proposal would be consistent with those Inspectors in appeal decisions concerning Class Q(b) of the Order, as highlighted above. Consistency in decision-making is important to both developers and local planning authorities, and also "for the purpose of securing public confidence in the operation of the development control system".<sup>7</sup>

### **Government Support for Conversion of Agricultural Buildings**

5.51 Since Class MB permitted development rights were introduced by the Government in 2014 (replaced by Class Q permitted development rights in 2015), there has been a national presumption in favour of the conversion of agricultural buildings to dwellings. The Government also seeks to support farm diversification and rural business development through the appropriate conversion of rural buildings which is supported by Paragraphs 80 and 84 of the *National Planning Policy Framework* ('NPPF') and various other permitted development rights in the GPDO.

5.52 Also of relevance is the current Government consultation (July to September 2023) on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification.<sup>8</sup> Paragraphs 53-55 of the consultation by the Department for Levelling Up, Housing & Communities points to a number of changes and state:

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<sup>7</sup> L.J Mann in *North Wiltshire District Council v Secretary of State* [1992] 65 P. & C.R. 137

<sup>8</sup> [Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/consultation-on-additional-flexibilities-to-support-housing-delivery-the-agricultural-sector-businesses-high-streets-and-open-prisons-and-a-call-for-evidence-on-nature-based-solutions-farm-efficiency-projects-and-diversification)

*'53. We want to give farmers greater freedom to change the use of their existing buildings to residential use and support the delivery of new homes in rural communities.*

*54. An existing permitted development right (Class Q of Part 3) allows agricultural buildings to change to residential use. Originally introduced in 2014, the right was expanded in 2018 to increase the number of homes permitted and to encourage the development of smaller homes for rural workers. The right is subject to various conditions and limitations, including the type of agricultural buildings that can benefit from the right, the maximum size and number of dwellinghouses that can be delivered and the extent of works that can be undertaken.*

*55. This consultation seeks views on amendments that would further support housing delivery by allowing more homes to be delivered through the right, expanding the type and location of buildings that can benefit from the right and extending the scope of works that can be undertaken under the right. These changes would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land.'*

- 5.53 CTPL consider that it is regrettable despite evidence to the contrary – provided by evidence, appeals in the district and elsewhere – that the Council puts unreasonable obstacles in the way of Class Q Prior Approval notifications for conversion of steel-framed buildings – like the appeal site – it appears in an effort to try and circumvent the “permitted development” rights, the Government’s clear support for the change the use of suitable existing buildings to residential use and the delivery of new homes in rural communities.
- 5.54 The Council’s concerns in regard to the appeal proposal at Crockwell Barn have been rehearsed elsewhere and have found to be unjustified and unsubstantiated, ignoring the technical evidence supplied and other appeals raising similar issues.
- 5.55 Crockwell Barn can be converted without the need for substantial structural works. The whole of the building is to be retained. The roof would be lined and insulated. Internal works would be undertaken inside the existing wall cladding. The internal alterations are not development and do not relate to the structural integrity of the building. The PPG states that for the building to function as a dwelling it may be appropriate to undertake internal structural works. The external changes are minor and would not dominate the existing structure, nor be excessive in comparison to the overall amount of existing building, walls, roof and cladding.

5.56 The proposal therefore satisfies the GPDO, Government advice and the *Hibbitt* case law. It is important to note, however, that in this case, the agricultural building is not comparable to that considered in the *Hibbitt* case. This case is also supported by many appeal examples (in Cherwell and elsewhere) affecting less substantial buildings and where works similar to, or substantially more than at Crockwell Barn, have been allowed by Inspectors who have concluded that the development would amount to a conversion rather than a rebuild/new build.

## **6.0 SUMMARY & CONCLUSION**

- 6.1 This Statement of Case has been prepared by CTPL on behalf of Mr Roger Yates/Crockwell Farm LLP in response to the Council's refusal to grant Prior Approval for a notification under Class Q (b) of the GPDO (Application No. 23/01339/Q56) for the change of use of Crockwell Barn, Crockwell Farm, Great Bourton and land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with the building operations reasonably necessary to convert the building referred to in paragraph (a) of the GPDO to a use falling within Class C3 (dwellinghouses).
- 6.2 The Statement of Case demonstrates that the Barn can be converted without the need for substantial structural works. The whole of the building is to be retained. The internal alterations are not development and do not relate to the structural integrity of the building. The PPG states that for the building to function as a dwelling it may be appropriate to undertake internal structural works. The external changes are minor and would not dominate the existing structure, nor be excessive in comparison to the overall amount of existing building, walls, roof and cladding. The works required to facilitate the building's use as a dwelling consist only of building operations to the extent reasonably necessary for the building to function as a dwellinghouse and therefore satisfy Class (b) and Class Q.1 (i) of the GPDO, Government advice in the PPG and the *Hibbitt* case law.
- 6.3 The proposal is also supported by many appeal examples locally and nationally affecting similar but less substantial buildings and where works similar to, or substantially more than at Crockwell Barn have been allowed by Inspectors who have concluded that the development would amount to a conversion rather than a rebuild/new build, thereby satisfying all the requirements of Q.1, including (i) and Q.2 of the GPDO. Hence, the Appellant contends that the proposal should be accepted as constituting "permitted development" under the GPDO as all Class Q requirements have been satisfied.
- 6.4 In light of the evidence and case put forward, the Appellant therefore respectfully requests that the Inspector allows the appeal and grants Prior Approval under Class Q (b) of the GPDO for the conversion of Crockwell Barn to a dwelling house.

## **APPENDIX 1**



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## Appeal Decision

Site visit made on 10 August 2021

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2021**

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### **Appeal Ref: APP/C3105/W/20/3264358**

### **Crockwell House Farm, Manor Road, Great Burton, OX17 1QT.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Crockwell Farm LLP against the decision of Cherwell District Council.
  - The application Ref. 20/01902/Q56, dated 15 July 2020, was refused by notice dated 10 September 2020.
  - The development proposed is the change of use of existing farm buildings into a single residential dwelling (Use Class C3).
- 

### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) (only) of the GPDO<sup>1</sup> for the change of use of an existing farm buildings into a single residential dwelling (Use Class C3) at land at Crockwell House Farm, Manor Road, Great Burton, OX17 1QT in accordance with the terms of the application Ref. 20/01902/Q56, dated 15 July 2020, and the plans submitted with it.
2. This permission is subject to the condition set out in Part Q.2(2) of the GPDO.

### **Application for costs**

3. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### **Main Issue**

4. The main issue is whether the proposed change of use meets the requirements of Class Q of the GPDO so as to constitute 'permitted development'.

### **Reasons**

#### *Background*

5. The GPDO sets out the forms of development where a general permission is granted and express permission is not required and Part 3 of Schedule 2 of the Order deals with changes of use. Class Q of Part 3 sets out that the change of use of agricultural buildings to dwellinghouses is permitted development where the development consists of, under Q(a), the change of use of the building and land from use as an agricultural building to use as a dwellinghouse or (Q)(b) development as referred to in (a) together with building operations reasonably

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

- necessary to convert the building. Part Q.1 sets out factors where development is not permitted.
6. The Council advises that after a case review, it does not wish to defend reason for refusal no. 3 insofar as it relates to Part Q(b) and criteria Q.1(h). Notwithstanding this, the Council does maintain its objection on the grounds that the building is not capable of being converted and subsequently function as a dwellinghouse without substantial rebuilding works which would go beyond what is reasonably necessary for a conversion. The Council says this means that the building does not benefit from any 'permitted development' rights under Class Q.
  7. Having seen the building, as described in paragraph 7 below, I understand the Council's concern. The building would not be fit for human habitation without significant changes to the form of the structure to make it, at least, weatherproof. However, the GPDO is quite clear that this class of permitted development can consist of either Part Q(a) **or** Part Q(b) independently. As the proposal is limited to a change of use of the building and land within its curtilage under Q(a) this will not prejudice a subsequent assessment of any building operations proposed under Q(b) if applied for.
  8. In this case the building proposed for conversion is a modern, modular steel framed building with walls of corrugated sheeting above a concrete block plinth and with a concrete floor. One main elevation has been finished off with open vertical timber boards with a gap between each, while both end walls are partly open to the elements. The roof is also clad in corrugated sheeting. At the time of my visit there was little inside the building which did not appear to have been used for some time although there was some straw on the floor of an attached outbuilding. I also noted Crockwell House farmhouse nearby which appeared to have been unoccupied for many years.

*Whether solely in agricultural use as part of an established agricultural unit*

9. The proposed change of use is not permitted under part Q if the building was not used solely for an agricultural use as part of an established agricultural unit at relevant times. Although the application form was completed stating the site was in agricultural use on the 20 March 2013 (the relevant day) (or last used before this) nevertheless, the appellant advised that the building was not in agricultural use on that day and therefore Part Q.1(i) is not satisfied. However, Part Q.1(ii) says that where the building was not in use on the relevant day, the test to be applied is when it was last in use.
10. The appellant says that the appeal building was in agricultural use with Crockwell Farm up until about 2009 and in support of this includes various aerial photographs of the wider farm which purport to show livestock in the neighbouring fields. The quality of the images is not crystal clear, but the images show agricultural use of the land physically next to the building and vehicular and animal tracks leading into the building. Moreover, the appellant refers to the Council's own description of the farm as part of a planning application made in 2016 where it was said that the buildings has been used as part of a working farm at Crockwell House.
11. The Council submits that inadequate evidence had been submitted with the application to establish what the agricultural unit is or was. There is substance to this concern in that the location plan shows the land in the appellant's

ownership (as well as the red line site) but this omits all farmland. However, the extent of the former Crockwell Farm is now clear to me as it is shown with the Sale Brochure (undated) but included in Appendix 6 of the appellant's statement.

12. On the evidence submitted I find that the appeal building when last in use was used as part of an established agricultural unit.
13. The Council disputes that the building has been solely in agricultural use and refers to a planning officer visit to the site in 2020 where it was noted that a car was stored within the building and that there were other signs of restoration being undertaken. Nevertheless this evidence from a single snap shot in time and the very limited scale of activity involved does not paint a clear picture of a material non-agricultural use.
14. On the evidence before me I find that it has been reasonably demonstrated that the building has been used solely for agricultural purposes and there is no conflict with Part Q.1 to indicate that it is 'development not permitted'.

### **Conclusion**

15. Overall, I find that the proposed change of use to a dwellinghouse would be development that meets the specific requirements of Class Q(a) of the GPDO and that the appeal should be allowed.

*David Murray*

INSPECTOR



## **APPENDIX 2**

15<sup>th</sup> December 2021

Planning Department  
*Sent via Email*

Regent House  
65 Rodney Road  
Cheltenham  
GL50 1HX

01242 230066  
www.ridge.co.uk

Dear Sirs,

**Prior Approval Notification: Proposed building operations reasonably necessary for Crockwell Barn to function as a single dwelling-house (Use Class C3) at Crockwell House Farm, Manor Road, Great Bourton.**

This letter accompanies an application for Prior Approval to carry out the building operations reasonably necessary for Crockwell Barn to function as a dwelling house (C3 use) in accordance with **Class Q (b)** of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (GDPO), and as amended in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

The following documents accompany this application:

- Duly Completed Application form
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Floor Plans and Elevations produced by Blake Architects
- Proposed floorplans and elevations produced by Blake Architects
- Design and Access Statement produced by Blake Architects
- Visual Perspectives produced by Blake Architects
- Structural Survey produced by AB Design Solutions Ltd
- Structural Strategy by Blake Architects (informed by AB Design Solutions Ltd)

**Site and Surroundings**

The appeal site is located at the northern edge of Great Bourton, and forms part of a former Crockwell House Farm. Great Bourton is identified as a ‘Satellite Village’ within the Cherwell District. Great Bourton is approximately 3.3 miles north of Banbury. The wider site comprises an area of approximately 3.4 hectares of land formerly associated with Crockwell farm and is located to the north of the village, at the outer limit of the village at the end of Manor Road.

The wider site is occupied by a number of dilapidated farm buildings and barns, some of which are curtilage listed by association with Grade II listed Crockwell House (Historic England Ref.: 1215873). The farmhouse and its

associated gardens (located to the west of the House) do not form part of the application site. However, due to its proximity to the application site, some of the farmyard buildings are considered to be curtilage listed by association. The application building, however, was built in 1990s and as such Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to the application building, or any building on wider site which was erected after 1st July 1948. As such, the application building is not, and cannot be considered to be, a listed building (or a curtilage listed building by association).

The site does not form part of any statutory or non-statutory designated areas and is not located within a Conservation Area. There are no Tree Preservation Orders (“TPOs”) on site or in its vicinity.

The site is located in Flood Zone 1 – an area with low probability of fluvial, pluvial and surface water flooding.

The site is accessed through a single improved access point from Manor Road. The details relating to the improved access were formally discharged and implemented under 20/01523/DISC. Further planning history details are covered within this letter.

Application Building

The application site consists of a steel framed barn which is located on the edge of the Crockwell House Farm boundary. The historic maps indicate that this structure replaced two smaller barns in the same location and that this was done within the period of time between 1989 and 2003, as the maps from 2003 show the existing structure.

The application building is surrounded by an open agricultural field to the north and east. There is a lean-to structure attached to the application building, which is made of telegraph poles and corrugated steel sheeting. This has been used as part of the agricultural function but is to be demolished.

The barn itself is enclosed with one of the bays remaining open for access as seen in Figures 1. The roof consists of corrugated sheeting. The side walls are clad in corrugated sheeting and timber cladding to various degrees of coverage as seen in Figure 2. The building has a flat concrete floor, and lower portion of walls are made of concrete blockwork. The upper portion of the walls, and the roof covering, are formed of cladding materials. The building also benefits from secure full bearing footings.

The barn is relatively well contained with post and rail fencing running along the northern eastern boundaries, offering a degree of separation from the agricultural fields to the north and east.



Figure 1 – Existing Southern Elevation of Application Building



Figure 2 – Existing Western Elevation of Application Building



Figure 3 – Fencing on site (north)



Figure 4 – Fencing on site (east)

**Planning History**

The building itself has the following planning history:

- LPA Ref.: 20/01902/Q56 – Change of use to existing farm buildings into a single residential dwelling (use class C3) – Refused by decision notice dated 16<sup>th</sup> July 2020.

This application has successfully been appealed with the Inspector allowing the permission for the change of use from an agricultural building to a residential dwelling. In sum the Inspector concluded that *“on the evidence I find that it has been reasonably demonstrated that the building has been used solely for agricultural purposes and there is no conflict with Part Q.1 to indicate that it is ‘development not permitted’”*.

- LPA Ref.: 21/02926/Q56 - A subsequent application for Class Q (a) and (b) was refused by decision notice dated 19<sup>th</sup> October 2021. The reason for refusing was issued as follows:  
*“Alterations are proposed that would go beyond the building operations permissible under Class Q, which would result in the external dimensions of the building extending beyond the external dimensions of the existing building, and which are considered not “reasonably necessary for the building to function as a*

*dwellinghouse", and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building, which is permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development therefore does not comply with the provisions of Class Q.1 (h) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore requires planning permission".*

The wider site has the following planning history:

- LPA Ref.: 16/00609/OUT – Proposed residential development of 3no. dwellings – Permitted by decision notice dated 11th July 2016; and
- LPA Ref.: 19/00250/OUT – Outline Residential development of 3no. dwellings (Re-submission of approved application 16/00609/OUT) – Permitted by decision notice dated 5<sup>th</sup> April 2019; and
- LPA Ref.: 20/01523/DISC – Discharge of pre-commencement conditions no. 5 and 6 of an outline planning permission 19/00250/OUT – Permitted by decision notice dated 6<sup>th</sup> August 2020; and
- LPA Ref.: 20/01726/REM - Reserved Matters Application (Phase 1) & Listed Building Consent – Conversion of a former agricultural barn - details reserved by condition 1 of the outline planning permission 19/00250/OUT – Permitted by decision notice dated 21<sup>st</sup> October 2020.

**Building Structure**

The Structural report confirms that the building is capable of being fully enclosed with no need of further strengthening. All proposed elements are considered acceptable under permitted development rights as per Paragraph 105 (Reference ID: 13-105-20180615) of the National Planning Policy Guidance<sup>1</sup>.

The Structural Survey submitted alongside this prior approval application confirms that:

- All existing primary steelwork will remain, without requiring any modification or strengthening;
- Nearly all existing secondary steelwork members will remain (over 85%), with the exception of alterations that are deemed reasonably necessary to facilitate the residential use, i.e., the insertion of windows;
- New openings will be located where there are existing large openings;
- Existing ground floor concrete slab to remain;
- Load path of building unaltered, keeping the character and structure of the building;
- No strengthening work required to existing members; and
- Partial re-use of existing wall cladding, with similar cladding to be used where there is currently a deficiency.

Overall, the Structural Report confirms that the existing structure will continue to carry the load of the external envelope, including the roof covering, wall cladding and ground floor finishes. The re-utilisation of all these elements confirms that the proposed building operations represent a true conversion of the building with all of the existing primary structure remaining unaltered, with only minor local alterations to the secondary structure.

It is also summarised that the designs proposed are sympathetic to the retained structure of the building. The building is an enclosed permanent and substantial steel framed structure, with a floor and sidewalls. Whilst the building envelope requires some alteration to the secondary structural members for the insertion of windows and

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<sup>1</sup> Appendix 1

doors, we confirm that these do not alter the structural integrity of the building and are reasonably necessary to convert the building into residential use.

**Proposed Building Operations**

Full details relating to the design, scale, appearance and access to the proposed dwelling are contained within the Design Statement prepared by Blake Architects.

The proposed building operations to facilitate the residential development are as follows:

- Minor existing floor repairs required locally.
- Floor edge beams in board of columns.
- Inclusion of windows and doors, in keeping and complementary of the agricultural character.
- Inclusion of internal walls.
- First floor and internal structural works to facilitate the first floor.

Internal works are not generally development, however Paragraph 105 (Reference ID: 13-105-20180615) of the National Planning Policy Guidance (NPPG) confirms that **“for the building to 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, which are not prohibited by Class Q”**.

In addition, Paragraph 105 confirms that the right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.

The windows and openings have been proposed to ensure sufficient light is provided in each of the habitable rooms, with focus on framing views over the open countryside. In order to maintain an agricultural feel, there are hit and miss timber cladding in front of a number of window glazing. The horizontal cladding will be left to wear naturally grey, and the roof is proposed to be in corrugated metal.





**Relevant Legislation**

There are a series of requirements that must be met in order for a change of use to fall within Class Q. A prior notification is required to confirm the proposal falls within the relevant legislative requirements. These are set out at Class Q 1 and table 1 below;

*'Q. 1 Development is not permitted by Class Q if—*

Table 1 Restrictions	Assessment
<p>a) the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <ul style="list-style-type: none"> <li>i. <i>on 20th March 2013, or</i></li> <li>ii. <i>in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or</i></li> <li>iii. <i>in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;</i></li> </ul>	<p>Relevant to Class Q (a) only. This issue has been considered and allowed under Appeal Decision APP/C3105/W/20/3264358 and therefore approved under <a href="#">20/01902/Q56</a>.</p>

<p>b) <i>in the case of—</i></p> <p>i. <i>a larger dwellinghouses, within an established agricultural unit—</i></p> <p>(aa) <i>the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</i></p> <p>(bb) <i>the cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwellinghouses under Class Q exceeds 465 square metres;</i></p> <p>(ba) <i>the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;]</i></p>	<p>The application building has an existing floorspace of 241.65m<sup>2</sup>, the proposal does not extend beyond this existing floorspace.</p> <p>GF - 241.65m<sup>2</sup> (including double garage). FF – 115.31m<sup>2</sup> (excluding void).</p> <p>The proposal is for a single dwelling house which is under the threshold of 465m<sup>2</sup>.</p>
<p>c) <i>in the case of—</i></p> <p>i. <i>a smaller dwellinghouse, within an established agricultural unit—</i></p> <p>(aa) <i>the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</i></p> <p>(bb) <i>the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</i></p>	<p>No smaller dwellinghouses are proposed on site.</p>
<p>d) <i>the development under Class Q (together with any previous development under</i></p>	<p>The proposal is for a single dwelling house with 357m<sup>2</sup> floorspace. The proposal would result in a single dwelling</p>

<p><i>Class Q) within an established agricultural unit would result in either or both of the following—</i></p> <ul style="list-style-type: none"> <li><i>i. a larger dwellinghouse or larger 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;</i></li> <li><i>ii. the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;</i></li> </ul>	<p>house falling within the threshold of a larger dwelling house, which is below the identified threshold of 465m<sup>2</sup>.</p>
<p><i>e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</i></p>	<p>There is no agricultural tenancy for the proposed site. The site is owned by a SME developer.</p>
<p><i>f) less than 1 year before the date development begins—</i></p> <ul style="list-style-type: none"> <li><i>i. an agricultural tenancy over the site has been terminated, and</i></li> <li><i>ii. the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;</i></li> </ul>	<p>N/A</p>
<p><i>g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—</i></p> <ul style="list-style-type: none"> <li><i>i. since 20th March 2013; or</i></li> <li><i>ii. where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;</i></li> </ul>	<p>No development has been carried out under Class A(a) or Class B(a), and therefore this criterion is not applicable.</p>

<p>h) <i>the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;</i></p>	<p>The proposed development will not exceed the existing external dimensions of the existing building. The proposed development is set on the existing footprint with the addition of a first-floor mezzanine.</p>
<p>i) <i>the development under Class Q(b) would consist of building operations other than—</i></p> <ul style="list-style-type: none"> <li>i. <i>the installation or replacement of—</i> <ul style="list-style-type: none"> <li><i>(aa) windows, doors, roofs, or exterior walls, or</i></li> <li><i>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and</i></li> </ul> </li> <li>ii. <i>partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</i></li> </ul>	<p>The proposal is supported by Structural Survey which demonstrates that the application building is in serviceable condition with only some minor repairs required. The building is noted to be defect free, and no structural defects have been identified.</p> <p>The Survey concludes that the building is capable of being a fully enclosed building with <b>no need for any strengthening</b>. The load path from roof to ground can be kept the same as in its current form. <b>All of the structural fabric can be retained making this permanent and substantial agricultural structure suitable for conversion to an alternative use.</b></p> <p>The existing asbestos sheeting and cladding are to be replaced throughout, and insulation will be inserted internally in both the roof and walls. <b>This will assure that the development will not result in the external dimensions of the building to extend beyond the external dimensions of the existing building.</b></p> <p>Externally the conversion would require the inclusion of windows and doors however they would be in keeping and complementary of the agricultural character.</p> <p><b>The internal walls as part of the development proposal are not generally considered development (as noted within the Planning Practice Guidance).</b> There will be no demolition for any part of the building, the entire structure will remain in situ. The Structural engineer confirms that the scheme proposed is sympathetic to the existing structure, which is a permanent and substantial structure, that requires no strengthening. Confirming that the building is already suitable for conversion to residential use.</p> <p>In respect of the above, the NPPG at Paragraph: 105 Reference ID: 13-105-20180615 states that <b>building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.</b> The right assumes that</p>

	<p>the agricultural building is capable of functioning as a dwelling.</p> <p>The right permits building operations which are reasonably necessary to convert the building, <b>which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.</b> It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.</p> <p>For a discussion of the difference between conversions and rebuilding, see for instance the case of <a href="#">Hibbitt and another v Secretary of State for Communities and Local Government (1)</a> and <a href="#">Rushcliffe Borough Council (2)</a> [2016] EWHC 2853 (Admin).</p> <p>Internal works are not generally development, however the NPPG confirms that <b>"for the building to 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, which are not prohibited by Class Q"</b>.</p> <p>As the site is structurally sound the building would be able to reasonably function as a residential dwelling with relatively small changes and no demolition is required.</p> <p>Please see accompanying Structural Report for further information.</p>
<p>j) <i>the site is on article 2(3) land;</i></p>	<p>The site is not located on article 2(3) land.</p>
<p>k) <i>the site is, or forms part of—</i></p> <ul style="list-style-type: none"> <li>i. <i>a site of special scientific interest;</i></li> <li>ii. <i>a safety hazard area;</i></li> <li>iii. <i>a military explosives storage area;</i></li> </ul>	<p>The site is not, and does not form part of, a SSSI, a safety hazard area or a military explosives storage area.</p>

<p><b>l) the site is, or contains, a scheduled monument; or</b></p>	<p>The site is not, nor does it contain, a scheduled monument.</p>
<p><b>m) the building is a listed building.</b></p>	<p>The building is not a listed building.</p>

Conditions

In addition to meeting all the above, there are also a series of conditions which apply to Class Q, which are set out in detail at Class Q.2 (1) and table 2.

This section of the legislation states that:

*“Q.2-(1) where the development proposed is development under Class(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-*

<p><b>Table 2 Restrictions</b></p>	<p><b>Assessment</b></p>
<p><b>a) Transport and highways impact of the development,</b></p>	<p>Relevant to Class Q (a) only. Issues a-e have been considered and allowed under Appeal Decision APP/C3105/W/20/3264358 and are therefore approved under <a href="#">20/01902/Q56</a>.</p>
<p><b>b) Noise impacts of the development,</b></p>	
<p><b>c) Contamination risks on the site,</b></p>	
<p><b>d) Flooding risks on the site,</b></p>	
<p><b>e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,</b></p>	
<p><b>f) The design or external appearance of the building; and</b></p>	<p>As illustrated within the accompanying plans, the external appearance includes a number of doors and windows alongside some other additions to allow the building to operate as a dwelling house within the existing footprint.</p> <p>The pallet of architectural materials is reminiscent of an agricultural barn and glazing has been covered by high and miss timber cladding to ensure any impact is minimised. The horizontal cladding will be left to weather naturally grey to ensure that the development is in keeping with the agricultural character of the wider surrounding area.</p>

<p><b>g) <i>The provision of adequate natural light in all habitable rooms of the dwellinghouses and the provisions of Paragraph W (prior approval) of this Part apply in relation to that application.</i></b></p>	<p>Windows, openings and internal formation of partition walls allow for adequate natural light in all habitable rooms.</p>
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In light of the above, there are no grounds to refuse the proposed change of use against the matters outlined in Class Q.2.

**Conclusion**

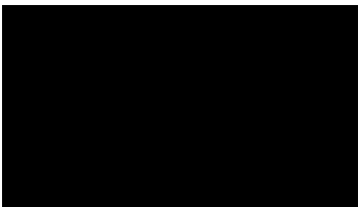
As set out in under Appeal Decision APP/C3105/W/20/3264358 the change of use from agricultural to residential (C3) has been accepted. Therefore, this application relates solely to Class Q (b) and building operations that are necessary to allow the building to function as a residential dwelling.

The information set out within this letter, and in the accompanying documents and plans, demonstrate that the proposed building operations accord with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The accompanying proposed plans, technical drawings and structural survey help demonstrate that the building can be suitably and capably converted for residential development without the need for substantial re-building or additions.

The proposed development does not go beyond the existing parameters of the existing agricultural building and the proposed works are captured within the permitted development rights. It is therefore respectfully requested that the Prior Approval for Class Q (b) is granted.

Yours sincerely



**Grant Baylis MSc (Hons)**  
**Planner**  
**For Ridge and Partners LLP**

**Enclosures:**

- Design and Access Statement
- Existing and Proposed Structure Plans
- Proposed Floor Plans and Elevations

Site Location Plan  
Site Plan  
Structural Report  
Structural Strategy  
Visuals x3



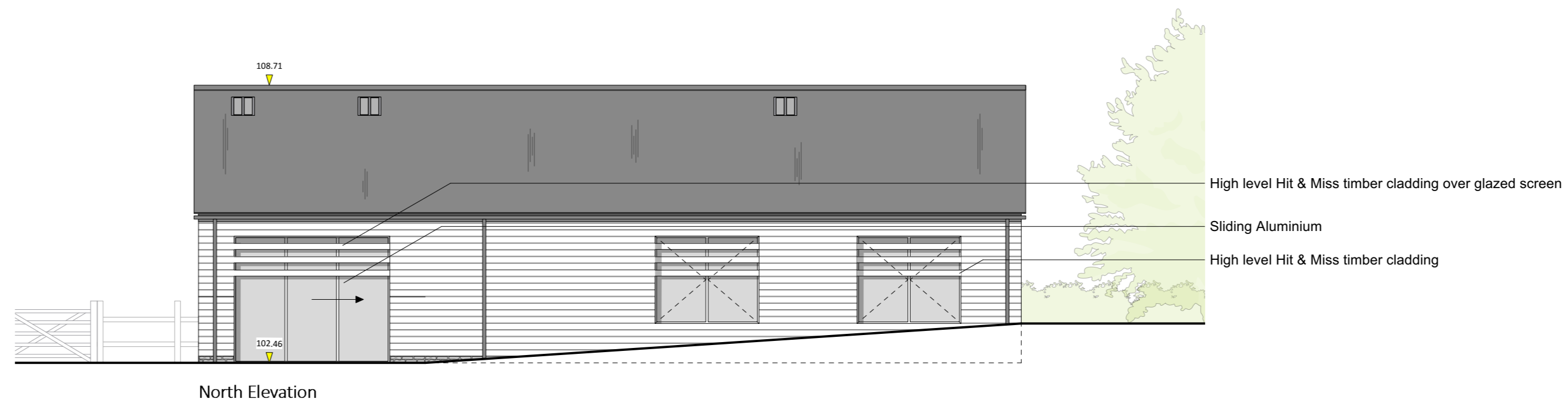
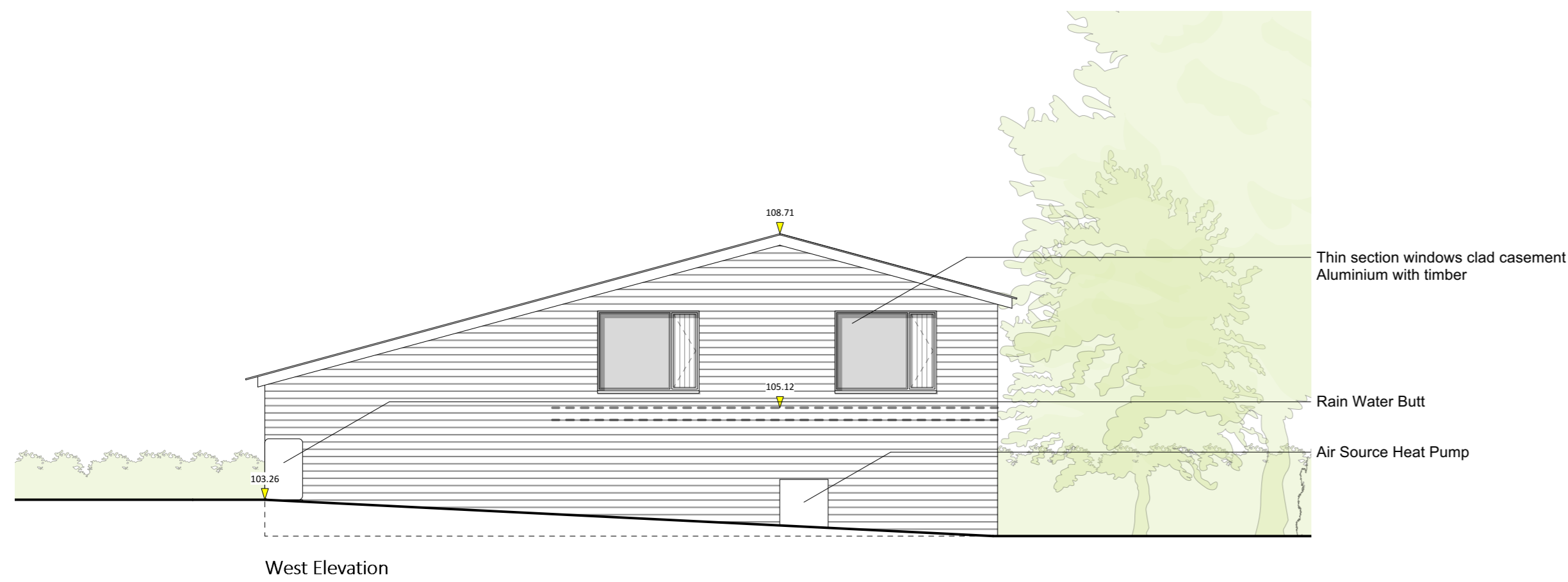
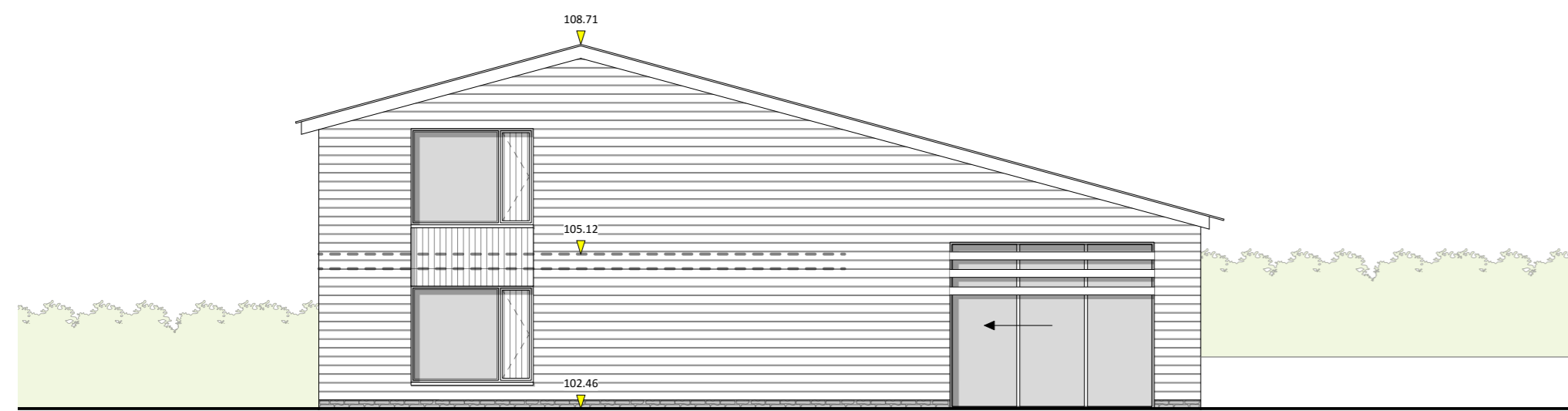
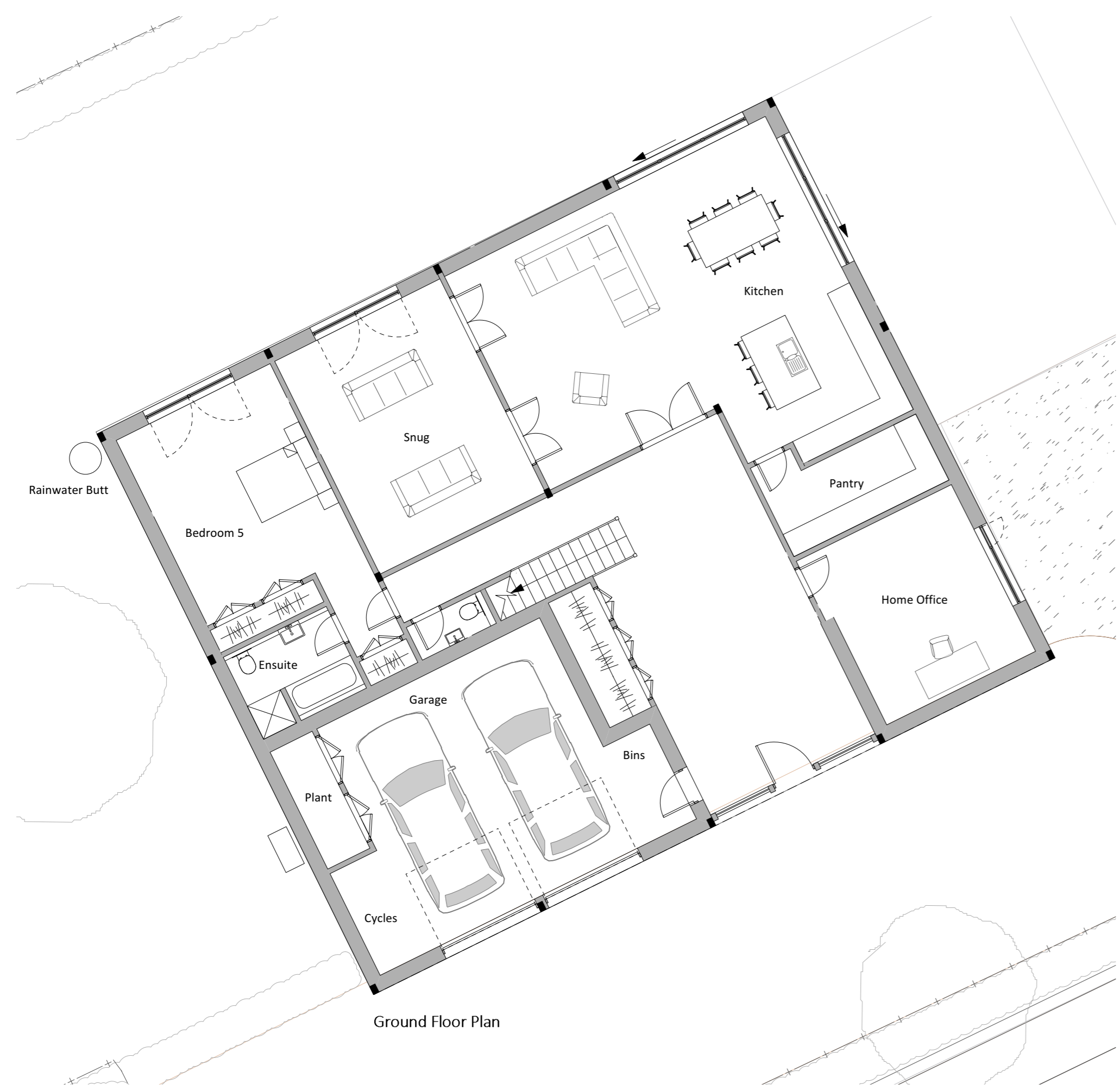


# RIDGE



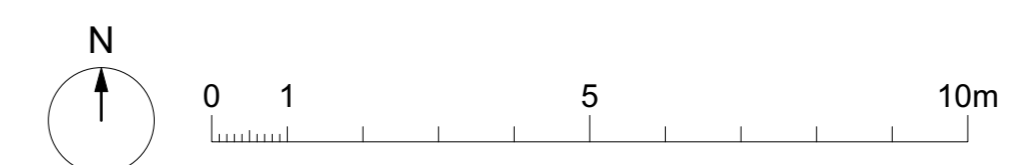
[www.ridge.co.uk](http://www.ridge.co.uk)

### **APPENDIX 3**



- Notes**
1. This drawing remains copyright of Blake Architects Limited and may not be reproduced or copied without consent in writing.
  2. For construction use figured dimensions only.
  3. Any discrepancies between site and drawings to be reported to the architect immediately.
  4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.
  5. Survey undertaken by:

REVISIONS				
A	02.11.21 - South Elevation structure hidden and openings reduced.			
PROJECT				
Crockwell				
ADDRESS				
Crockwell House Farm, Manor Road, Great Bourton, OX17 1QT				
PROJECT				
<b>Blake Architects Limited</b> 1 Coves Barn, Winstone, Cirencester Gloucestershire GL7 7JZ [t] 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk				
TITLE				
Proposed Floor Plans & Elevations				
DRAWING NUMBER				
21.02.03.111				
STATUS				
PLANNING				
DRAWN	CHECKED	DATE	SCALE	REVISION
SH	JN	01.11.21	1:100 @ A1	A



## **APPENDIX 4**



# Appeal Decision

Site visit made on 20 December 2022

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 December 2022**

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**Appeal Ref: APP/C3105/W/22/3306638**

**Crockwell House Farm Barns, Manor Road, Great Bourton, Oxfordshire  
OX17 1QT**

- 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 (as amended) (the GPDO).
  - The appeal is made by Mr Roger Yates (Crockwell Farm LLP) against the decision of Cherwell District Council.
  - The application Ref 21/04201/Q56, dated 15 December 2021, was refused by notice dated 8 March 2022.
  - The development proposed is described as “proposed building operations (Class Qb) reasonably necessary for Crockwell Barn to function as a single dwelling-house (Use Class C3)”.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Class Q of Part 3 of Schedule 2 of the GPDO (hereafter referred to as Class Q) has 2 parts. Class Q(a) defines as permitted development the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses). Class Q(b) defines as permitted development the change of use referred to in Q(a) together with building operations reasonably necessary to convert the building to a use falling within Class C3.
3. The description of development in the header is taken from the application form. It only refers to proposed building operations without mention to the change of use of the building to a dwelling house. Nonetheless, it is clear from the submissions that the application seeks approval for development allowed under Class Q(b). As such, I have considered the appeal on the basis it seeks approval for the change of use of the building to a dwelling as well as the proposed building operations. The main parties have raised no objection to this approach.

## Main Issue

4. The main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO, having particular regard to the proposed building operations.

## Reasons

5. Under the terms of clause Q.1(h), development is not permitted under Class Q if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The appellant claims the proposed development would comply with this clause as it would be on the existing footprint of the building and the building shape would be retained as existing. Also, it is noted that the Council officer's report includes a comment that clause Q.1(h) would be complied with.
6. However, the Council's refusal reason states that the external dimensions of the building would in fact extend beyond those of the existing building. Its appeal submissions expand on this contention further with reference to the proposed cladding and re-roofing of the building as well as the provision of an air source heat pump.
7. The appellant's submissions indicate that the cladding on the walls and roof of the building would be replaced as part of the proposed development. However, limited details are provided on the depth of the proposed cladding compared to the existing and how the cladding would be attached to the frame of the building. As such, it is unclear from the information provided as to whether the re-cladding and re-roofing works would extend beyond the dimensions of the existing building.
8. Moreover, the drawings show the provision of an air source heat pump on the western side of the building as part of the proposed development. This would be a relatively minor addition but nonetheless it would be positioned on the outside of the building and so it would seemingly project beyond the existing footprint. The installation of services is permitted under clause Q.1(i) but only where compliant with the other clauses as set out under paragraph Q.1.
9. Class W paragraph (3) of Part 3 of Schedule 2 of the GPDO explains that an application may be refused if a proposed development does not comply with any conditions within Class Q or where insufficient information is provided to establish whether the development would comply with the conditions. In the absence of details on the cladding and roofing and given the identified issue in respect of the air source heat pump, I find that insufficient information has been provided to demonstrate the proposed development would comply with clause Q.1(h). Indeed, the information provided in respect of the air source heat pump indicates that at least this element would not comply with this clause. Therefore, the proposed works when considered as a whole would not benefit from Class Q permitted development rights.
10. Furthermore, the Council raises concern over the amount of work that is proposed to be undertaken to the building. The Planning Practice Guidance (the PPG) says it is not the intention of Class Q to allow rebuilding work which would go beyond that necessary for conversion. The PPG refers to the judgement in *Hibbett and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)* (Hibbett). This judgement establishes that Class Q requires a proposal to represent a conversion rather than a rebuild, fresh build or new build.
11. The subject building has a steel frame and its walls are partially clad with corrugated sheeting and vertically hung timber cladding. A short length of low blockwork wall forms part of the eastern elevation and the building has

corrugated sheet roofing. The appellant's structural report states the building's frame is in good condition and that it is capable of carrying the load of the proposed external walls and roof. No new foundations or structural support are proposed.

12. However, the submissions indicate that all of the external walls would be clad with horizontal timber boarding with new doors and windows inserted. On my visit, I saw none of the building's walls are currently clad in such a manner. Most of the south and part of the western elevations have vertical board cladding which I understand would be taken off and reattached horizontally to the frame. Also, the existing roofing would be removed and replaced.
13. As such, it seems that almost all of the proposed external walls would comprise of new fenestration and areas of new or re-installed cladding. Also, the roof covering would be new. Sub-paragraph Q.1(i) of Class Q does not prevent the installation of windows, doors, roofs or exterior walls and the proposed development would involve no demolition. Nonetheless, all of the existing cladding and roofing materials would be removed so that only the frame and floor of the existing building would remain. Having regard to Hibbett, I consider the works in their entirety would represent rebuild or fresh build. I conclude the development would include operations that go beyond those reasonably necessary for the conversion of the building.
14. Therefore, I conclude the development would not be permitted by Class Q when having regard to the extent of the proposed building operations and the provisions of the PPG.

### **Conclusion**

15. For the above reasons, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR

## **APPENDIX 5**



## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

	<b>Class Q1 and Q2 Requirements</b>	<b>Proposal</b>
	<b>Q1 – Development not permitted by Class Q if –</b>	
a)	<p>the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <p>(i) on 20th March 2013, or</p> <p>(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or</p> <p>(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins</p>	<p>Prior Approval was granted under the provisions of Schedule 2, Part 3, Class Q(a) only of the GPDO for the change of use of the agricultural building into a single residential dwelling (Use Class C3) by the appeal APP/C3105/W/20/3264358, which was allowed on 28<sup>th</sup> September 2021. See Appendix 1.</p> <p>This appeal decision established that the agricultural building (Crockwell Barn) when last in use was used for agricultural purposes as part of an established agricultural unit. The proposal therefore accords with this requirement.</p>
b)	<p>the proposal involves the conversion of the agricultural building within an established agricultural unit into a “larger dwellinghouse” with a floorspace of more than 100 square metres, however:</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q does not exceed 3 and</p> <p>(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q does not exceed 465 square metres</p>	<p>This is the only “larger dwellinghouse” proposed on the unit);</p> <p>This being the only “larger dwellinghouse” the internal floorspace to be provided is 256 square metres/external footprint is 282 square metres);</p>
ba)	<p>the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order does not exceed 465 square metres.</p>	<p>This is satisfied. See floorspace in bb) above.</p>
c)	<p>in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p> <p>(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</p>	<p>The proposal is not a “smaller dwellinghouse”, within an established agricultural unit so this section is not applicable.</p>
d)	<p>the proposed development under Class Q (together with any previous development under Class Q) within an established agricultural unit would not result in either or both of the following occurring —</p> <p>(i) a larger dwellinghouse or larger 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;</p> <p>(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;</p>	<p>This is the only dwellinghouse to be developed under Class Q so falls within the total number specified in the GPDO.</p>
e)	<p>the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>The site is not occupied under an agricultural tenancy.</p>

## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

f)	less than 1 year before the date development begins— (i)an agricultural tenancy over the site has been terminated, and (ii)the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;	No agricultural tenancy has been terminated in the last year.
g)	development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit— (i)since 20th March 2013; or (ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;	No development has taken place under Class A(a) or Class B(a) of Part 6 of the Schedule to the GPDO (agricultural buildings and operations) on the established agricultural unit since 20th March 2013.
h)	the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	The development would <u>not</u> result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
i)	the development under Class Q(b) would consist of building operations other than— (i)the installation or replacement of— (aa)windows, doors, roofs, or 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 reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);	The proposal, which retains the existing steel frame, floor, walls, cladding and roofing with fenestration set back within existing openings is a conversion covering those works reasonably necessary for the building to function as a dwellinghouse. Moreover, the building operations would only be to an extent necessary to make the building weatherproof and suitable for human habitation. There is no demolition.
j)	the site is on article 2(3) land;	The site is <u>not</u> on article 2(3) land
k)	the site is, or forms part of— (i)a site of special scientific interest; (ii)a safety hazard area; (iii)a military explosives storage area;	The site is not a site of special scientific interest, a safety hazard area or a military explosives storage area;
l)	the site is, or contains, a scheduled monument	The site is <u>not</u> , and does <u>not</u> , contain a scheduled monument.
m)	the building is a listed building.	The building is <u>not</u> a listed building.
<b>Q2 – Conditions</b>		
1)	Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—	
a)	transport and highways impacts of the development	Crockwell Barn is accessed via an existing access from Manor Road/Stanwell Lane, Great Bourton, which has historically served the Farm and has good visibility in both directions. The access will also serve the two dwellings and barn conversion at Crockwell Farm the subject of permissions 19/00250/OUT, 21/01254/REM, 20/01726/REM and 20/01730/LB.

## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

		<p>The proposed residential use will result in a negligible increase in traffic using the access onto the public highway at Manor Road. Sufficient parking for two cars can be provided within the proposed curtilage allowing vehicles to enter and exit the site onto the public highway in a forward gear. The proposal therefore satisfies the <i>National Planning Policy Framework</i> in respect of the transport and highway elements of the proposal.</p> <p>As indicated in the Officer's Report on the Application the subject of this appeal – see Appendix 5 - Oxfordshire County Council as the local highway authority has not raised any objections on highway safety grounds. The Council therefore considered the proposal to be acceptable in this regard.</p>
b)	noise impacts of the development	<p>The proposed dwellinghouse will be situated close to the two dwellings under construction in the former farmyard at Crockwell Farm and will be compatible with the residential character of the area.</p> <p>The proposed residential use of the building will therefore have no adverse noise impacts nor be unduly affected by any noise in its immediate rural surroundings. The Council reached the same conclusion on the application the subject of the appeal with the Officer's Report stating that '<i>there are no noise concerns with the application</i>'. The Council's Environmental Protection Officer made no comments on noise.</p>
c)	contamination risks on the site	<p>There have been no other historic uses except for agriculture that would give rise to any land contamination issues on the site.</p> <p>The Council's Environmental Protection Officer has suggested a suite of conditions relating to contaminated land, given the agricultural history of the site and the proposed residential use, which can be imposed if the appeal is allowed.</p>
d)	flooding risks on the site	<p>The site lies in Flood Zone 1 on the GOV.UK flood maps for planning and there are no recorded instances of flooding. The site would be at very low risk of flooding from rivers or surface water and is therefore acceptable in this respect.</p> <p>The Council states in the Officer's Report that there are no flooding</p>

## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

		concerns, as the application is not situated within Flood Zones 2 or 3.
e)	whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order	<p>'Impractical' or 'undesirable' are not defined in the GPDO or related Regulations. The Government's <i>Planning Practice Guidance</i> (Paragraph: 109 Reference ID: 13-109-20150305) advises that local planning authorities should apply a reasonable, ordinary dictionary meaning in making any judgment. 'Impractical' reflects whether the location and siting would "not be sensible or realistic", and 'undesirable' reflects that it would be "harmful or objectionable". Neither apply here.</p> <p><i>Planning Practice Guidance</i> advises that local planning authorities should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.</p> <p><i>Planning Practice Guidance</i> also gives some examples of where the impact may not be capable of being mitigated, such as an agricultural building on the top of a hill with no road access, power source or other services (i.e. impractical) or where a building whose change of use may be undesirable, for example, if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. Again, none of these apply in the case of Crockwell Barn. There are no circumstances or developments in the locality that would make the location impractical or undesirable for residential use. The Barn has a well-established access, a drive to be improved to serve new approved development and services are readily available at the Farm, which will shortly have two dwellings and a residential conversion in the former farmyard.</p> <p>In the Officer's Report, it is stated that the building would be accessed from the south, via a track linking the site to the other residential properties that have been approved at the site. The proposed curtilage provides adequate space for parking and garden facilities, with a good outlook achievable. The Council therefore conclude that the appeal proposal is acceptable in</p>

## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

		this regard and satisfies this criterion.
f)	The design or external appearance of the building	<p>The permitted development right under Class Q, at its starting point, grants permission for agricultural buildings to be converted into dwellings. It is therefore clearly the Government's intention that, in principle, such buildings can and should remain in the landscape and serve a new function as dwellings.</p> <p>The design and appearance of the Class Q conversion is in keeping with the rural character and the setting of the building. External changes are minimal and are confined solely to the open elements of the building thereby utilising existing openings and including no new openings. No elements of the building are proposed to be replaced. All features of the building are being retained with repair, where necessary. The proposed design respects the open character and simple appearance of the existing building and ensures high levels of amenity for future residents of the proposed dwelling. The treatment of the south elevation - including a large glazed screen within the existing large opening - will retain the simple, agricultural appearance of the building and the existing form, appearance and cladding of the building is maintained.</p> <p>The Council commented that the design of the building is predominantly the insertion of windows and doors to convert the building. They added that the design maintains the agricultural history of the building, but would appear modern due to the large windows on the front elevation. The Council concluded that the design would alter the appearance but not detract from the agricultural history of the site and was therefore acceptable.</p>
g)	The provision of adequate natural light in all habitable rooms of the dwellinghouse	<p>Scaled, detailed floor plans indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwelling are submitted with the application in compliance with Paragraph W of the GPDO. Habitable rooms are defined as <i>"any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms"</i>.</p>

## Crockwell Barn, Crockwell Farm, Great Bourton – Class Q Requirements

		<p>The building lends itself to the inclusion of large glazed areas, with the large glazed screen south-facing, with ample natural light to all habitable rooms and an open aspect over its curtilage and, beyond, to open countryside and farmland.</p> <p>It should be noted that the proposal provides 256 sq.m of internal floorspace on one level, which exceeds the Government's <i>Technical Housing Standards – Nationally Described Space Standard, 2015</i>.</p> <p>The Council concluded that each habitable room was served by an appropriately sized window to secure an appropriate level of amenity for the future occupiers of the dwelling.</p>
<b>Paragraph X – Curtilage</b>		
	<p>curtilage" means, for the purposes of Class Q, R or S only—</p> <p>(a)the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or</p> <p>(b)an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,</p>	<p>The red lined area on the submitted drawings relates to land that is immediately beside the agricultural building, is closely associated with the building and serves the purpose of the agricultural building and the development.</p> <p>The curtilage area is 281 square metres, which is less than the area covered by the Barn (282 square metres). Therefore the application satisfies the GPDO curtilage requirements.</p> <p>The Council concluded that the development would therefore comply in this regard.</p>

## **APPENDIX 6**

**Case Officer:** Imogen Hopkin

**Recommendation:**

**Applicant:** Crockwell Farm LLP

**Proposal:** Prior Approval Notification under Class Q (b) for development referred to in paragraph (a) of Class Q for the 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) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses)

**Expiry Date:** 12 July 2023

**Extension of Time:**

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The site is located to the north of the village of Great Bourton, at the outer limit of the village at the end of Manor Road. Crockwell Farm is located on the North East edge of Great Bourton which is three miles North of Banbury and is accessed off Manor Road at the junction where it changes into Stanwell Lane. The site is currently occupied by a number of dilapidated farmyard buildings and barns. The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however, the farm is no longer a working enterprise.
- 1.2. The site is located in close proximity to a Grade II Listed Building which is a farmhouse called Crockwell House and which dates back to the seventeenth century. This building is of more modern construction, in corrugated sheeting and blockwork, whilst the former agricultural buildings further to the south are constructed in stone and brick. The Farmhouse forms the Eastern Edge of a loosely formed yard, with a crooked southern edge being formed by a previously approved barn conversion (application no. 20/01726/REM).

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The current application seeks permission under Part 3 (Class Q) of the GPDO 2015 (as amended) for (a) the Change of use from agricultural building to residential dwelling (Class C3) and (b) building operations reasonably necessary for Crockwell Barn to function as a single dwellinghouse (Use Class C3). The current application relates to the modern steel-framed barn north of the Farmstead.
- 2.2. The application is a revised scheme of 21/04201/Q56, which was refused on the basis that the proposal would go beyond the dimensions of the original building and that the works would exceed those permissible under Class Q. A subsequent appeal against this refusal was dismissed (see Section 3 immediately below).

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

<b>Application: 21/04201/Q56</b>	Appeal Dismissed (Against Refusal)	8 March 2022
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Building operations (Class Qb) reasonably necessary for Crockwell Barn to function as a single dwellinghouse (Use Class C3) at Crockwell House Farm, Manor Road, Great Bourton		
<b>Application: 20/01902/Q56</b>	Appeal Allowed (Against Refusal)	10 September 2020
Change of use of existing farm buildings into a single residential dwelling (use class C3)		

#### 4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

#### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **14 June 2023**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **14 June 2023**.
- 5.2. No comments have been raised by third parties.

#### 6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. The Bourtons Parish Council: **Comment**, on the over-development of the site, the existing access is in poor condition, visual impact of the proposal.

##### OTHER CONSULTEES

- 6.3. Building Control: Building Regulations application required.
- 6.4. Land Drainage: No objections or comments.
- 6.5. Environmental Health: No objections, subject to contaminated land conditions.
- 6.6. OCC Highway Authority: No objections.

#### 7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO)
- 7.2. Planning Practice Guidance (PPG)
- 7.3. As this is a Prior Notification application (as per above), the provisions of Part 3 of Schedule 2 of the General Permitted Development Order 2018 ("GPDO") are considered most relevant.

- 7.4. Under Part 3 Class Q of the GPDO, development consisting of a 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) of the Schedule to the Use Classes Order, does not require Prior Approval, provided that the following criteria are met.

*Criteria One - The Tests under Class Q*

- 7.5. The change of use must satisfy the following tests of Class Q:

- a) The site was used solely for an agricultural use, as part of an established agricultural unit —
  - I. on 20th March 2013;
  - II. in the case of a building which was in use before that date but was not in use on that date, when it was last in use; or
  - III. in the case of a site which was brought into use after 20th March 2013, for a period of at least ten years before the date the development under Class Q begins;
- b) in the case of —
  - I. a larger dwellinghouse, within an established agricultural unit —
    - a. the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
    - b. 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;
- c) in the case of —
  - I. a smaller dwellinghouse, within an established agricultural unit —
    - a. the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
    - b. the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres.
- 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—
  - II. a larger dwellinghouse or larger 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;
  - III. the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;
- e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- f) less than 1 year before the date development begins —
  - I. an agricultural tenancy over the site has been terminated, and
  - II. the termination was for the purpose of carrying out development under Class Q unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit —

- I. since 20th March 2013; or
  - II. where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”
- i) The development under Class Q(b) would not consist of any building operations other than —
- I. the installation or replacement of –
    - a. windows, doors, roofs, or exterior walls, or
    - b. water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and
  - II. partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);
- j) The site is not on article 2(3) land;
- k) The site is not or does not form part of:
- I. a site of special scientific interest;
  - II. a safety hazard area;
  - III. a military explosives storage area;
- l) The site is not, or does not contain, a scheduled monument;
- m) The building is not a listed building.

*Criteria Two - Developer must apply to local Authority to determine whether Prior Approval is required if development falls under class Q(a) and class Q(b)*

7.6. If the development proposed constitutes development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) transport and highways impact of the development;
- b) noise impacts of the development.
- c) contamination risks on the site;
- d) flooding risks on the site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order,
- f) the design or external appearance of the building and the provisions of paragraph W shall apply in relation to any such application, and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

*Criteria Three - Developer must apply to local Authority to determine whether Prior Approval is required if development falls under class Q(a) only*

7.7. If development proposed constitutes development under Class Q(a) only, development is permitted subject to the condition that before beginning the

development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e.) and the provisions of paragraph W of this Part shall apply in relation to that application.

#### *Criteria Four – Time limit in which development must commence*

- 7.8. The development shall begin within a period of three years beginning with the date on which
- a) any prior approval is granted for that development, or
  - b) the period of days referred to in paragraph W(11)
  - c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused whichever is the earlier.
- 7.9. Under paragraph W.(3) the local planning authority may refuse an application where, in the opinion of the authority —
- a) the proposed development does not comply with, or
  - b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
- 7.10. Section W(9)(as amended) of Schedule 2 Part 3 to the GPDO states that, *“the local planning authority [LPA] may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include —*
- a) *assessments of impacts or risks;*
  - b) *statements setting out how impacts or risks are to be mitigated; or*
  - c) *details of proposed building or other operations.*
- 7.11. Section W(10)(as amended) of the same Regulations states that, *“the local planning authority [LPA] must, when determining an application:*
- a) *take into account any representations made to them as a result of any consultation under paragraphs (5) or (6) and any notice given under sub-paragraph (8):*
  - b) *have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and*
  - c) *in relation to the contamination risks on the site —*
    - I. *determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(a), and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and*
    - II. *if they determine that the site will be contaminated land, refuse to give prior approval.”*

## **8. APPRAISAL**

- 8.1. The key issues for consideration in this application is whether or not the Class Q criteria are satisfied.
- 8.2. The ‘blue-line’ ownership area is contained around the application building and the site to the south which has been approved for residential development. The

applicant has submitted information with this application (the Sales Brochure that formed part of the appeal) to demonstrate the extent of the 'established agricultural unit'. Officers can therefore conclude that criteria (b), (d) and (g) of Q.1 are satisfied.

- 8.3. The 'blue-line' ownership area is contained around the application building and the site to the south which has been approved for residential development. The originally allowed appeal (our ref: 20/01902/Q56, PINS ref: 3264358) established the previous use of the building was solely used for an agricultural use within an agricultural unit. Upon a site visit, the building did not appear to be in any particular use, although the new residential properties suggest the site is no longer used as an agricultural unit. Whether or not the site is in current use as an agricultural unit does not preclude the grant of permission. Therefore, the Council has no reason to dispute the Inspector's assessment, and the application complies with criterion (a) of Q.1.
- 8.4. The proposal is a larger dwellinghouse, as it has a floor area of 256 sq m. From our assessment (and as indicated by the agent) this is the only 'larger dwellinghouse' proposed on the unit and does not exceed 465 sq m. As such, criteria (b) and (d) of Q.1 are satisfied.
- 8.5. Criterion (c) of Q. 1 relates to smaller dwellinghouses, so is not relevant to this proposal.
- 8.6. The site is not occupied under an agricultural tenancy, and no agricultural tenancy has been terminated in the last year, therefore criteria (e) and (f) of Q.1 are satisfied.
- 8.7. No development has taken place under Class A(a) or Class B(a) of Part 6 of Schedule 2 of the GPDO on the established agricultural unit since 20<sup>th</sup> March 2013. As such, criterion (g) is satisfied.
- 8.8. Criterion (h) appears satisfied as the proposed construction does not appear to extend beyond the external dimensions of the existing building. This was a reason for refusal for the previous application (our ref: 21/04201/Q56, PINS ref: 3306638), as the building was due to be re-clad and an air source heat pump installed. The current application has resolved these issues, and now complies with criterion (h).
- 8.9. Like the last application, this application seeks approval under Class Q(b), which requires an assessment of the level of building operations. Class Q(b) permits "building operations reasonably necessary to convert the building..."
- 8.10. In determining the first appeal at the site (our ref. 20/01902/Q56, PINS ref. 20/3264358), the Planning Inspector stated.  
  
*"The Council says... that the building does not benefit from any 'permitted development' rights under Class Q. Having seen the building... I understand the Council's concern. The building would not be fit for human habitation without significant changes to the form of the structure to make it, at least, weatherproof."*
- 8.11. The Inspector allowed that appeal because that proposal was limited to a change of use of the building and land within its curtilage under Class Q(a) and because he was not required to assess the proposal under Class Q(b).
- 8.12. In the last application, ref. 21/04201/Q56, the applicant sought approval under Class Q(b). The applicant proposed alterations to the building to enable its conversion to residential use. The Council refused the application on the grounds that the works proposed were not "reasonably necessary for the building to function as a dwellinghouse" and because the works were considered so extensive as to

constitute a rebuilding of the existing building, and also because the works proposed in that application exceeded the dimensions of the original building.

8.13. The Council refused that application, and a subsequent appeal against that refusal was dismissed, the Inspector agreeing with the Council on all of the above matters.

8.14. The first Inspector described the building in the following way:

*“...the building proposed for conversion is a modern, modular steel framed building with walls of corrugated sheeting above a concrete block plinth and with a concrete floor. One main elevation has been finished off with open vertical timber boards with a gap between each, while both end walls are partly open to the elements. The roof is also clad in corrugated sheeting.”*

8.15. The second Inspector said similar:

*“The subject building has a steel frame and its walls are partially clad with corrugated sheeting and vertically hung timber cladding. A short length of low blockwork wall forms part of the eastern elevation and the building has corrugated sheet roofing.”*

8.16. It is reasonable to conclude that the works proposed in the last application were those necessary for the building to function as a dwelling. The first inspector's comments, reported at para 8.10 above, are worth noting – that “significant changes to the form of the structure” would be required before it could be “fit for human habitation”.

8.17. To address the second Inspector's reasons for dismissing the last appeal, the current proposal now proposes retention of the existing cladding and roof covering, and substantial internal works including walls and horizontal and vertical battens on those walls. The works effectively amount to the construction of a structure within the existing steel frame.

8.18. The proposal also includes the insertion of windows and doors, and a small insertion of exterior wall to the east elevation.

8.19. It is considered that the application proposals are for a new structure within the barn rather than a conversion of the existing structure and that the proposed works do not rely on the existing structure. The proposal would need a considerable amount of work to be carried out to facilitate the proposed development in this instance. It is considered this work would exceed that which constitutes a conversion, and would go beyond what is reasonably necessary for the conversion of the building to residential use. The Council concludes that the existing building is not already suitable for conversion to residential use and cannot therefore be considered to have the permitted development right in this regard.

8.20. It is therefore considered that the proposals consist of building operations which go beyond those reasonably necessary for the building to function as a dwellinghouse.

8.21. For these reasons it is considered that criterion (i) is not satisfied.

8.22. The site is not on article 2(3) land, is not or does not form part of a SSSI, safety hazard area or military explosives storage area, is not or does not contain a scheduled monument, and the building is not listed, and therefore criteria (j) – (m) are satisfied.

**In summary**

- 8.1 Criteria (a), (b), (d), (g) and (h) are satisfied. Criteria (e.) and (f) are taken to be satisfied. Criterion (c.) is not relevant in this instance. For the reasons set out above, criterion (i) is not satisfied, and the existing structure is not capable of functioning as a dwelling without a significant level of alteration and rebuilding work. To cite the words of the planning practice guidance, the building subject of this application is considered not to “have the permitted development right”.
- 8.2 Despite the failure of the proposals to meet the provisions of Q.1 (as set out above), an assessment has been made regarding the conditions under Q.2 (transport, highways, noise, contaminated land, and flooding), the practicality of the site, the design and appearance of the building and the curtilage of the site.

*Transport and Highways Impacts*

- 8.23. The local highway authority has no objections to the proposals on highway safety grounds. The proposals are considered acceptable in this regard.

*Noise Impacts, Flooding Risk and Contamination Risk*

- 8.24. There are no noise or flooding concerns with the application, as the application is not situated within Flood Zones 2 or 3.
- 8.25. The Council’s Environmental Health Officer has suggested a suite of conditions relating to contaminated land, given the agricultural history of the site. The conditions are considered reasonably necessary to be applied to the application.

*Curtilage*

- 8.26. Paragraph X of the GPDO defines the permitted curtilage as “(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser”.
- 8.27. The red line area submitted with the application relates to land that is immediately in front and east of the agricultural building, is closely associated with the building and serves the purpose of the agricultural building and the development would therefore comply in this regard.

*Location and Siting*

- 8.28. The test in this criterion is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.
- 8.29. The PPG guides that LPAs should start from the premise that the permitted development right grants planning permission, subject to prior approval requirements. Moreover, the PPG guides that a proposal for a change of use in a location where the LPA would not normally grant planning permission for a new dwelling is not sufficient reason for refusing prior approval.
- 8.30. Impractical or undesirable are not defined in the regulations, and the LPA should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”. Additionally, the

location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

- 8.31. The building would be accessed from the south, via a track linking the site to the other residential properties that have been approved at the site. The proposed curtilage appears to provide adequate space for parking and garden facilities, with good outlook achievable. The proposal is thus considered acceptable in this regard.

#### *Design and External Appearance*

- 8.32. The design of the building is predominantly the insertion of windows and doors to convert the building. The design maintains the agricultural history of the building, but would appear modern due to the large windows on the front elevation. The design would alter the appearance, but not detract from the agricultural history of the site, and is therefore acceptable.

#### *Provision of Natural Light*

- 8.33. Each habitable room is served by an appropriately sized window to secure an appropriate level of amenity to future occupiers of the dwelling.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The proposed development accords with criteria Q.1 (a), (b) (d) (e.), (f) (g) and (h). Criterion (c.) is not relevant in this instance. For the reasons set out above, criterion (i) is not satisfied, and the existing structure is not capable of functioning as a dwelling without a significant level of alteration. Therefore, on the basis of the information submitted, it is not reasonable for the LPA to give prior approval.

### **10. RECOMMENDATION**

That permission is refused, for the following reasons:

1. Alterations are proposed that would go beyond the building operations permissible under Class Q, which are considered not "reasonably necessary for the building to function as a dwellinghouse" and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building. The proposed development would therefore not comply with the provisions of Class Q.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore would require planning permission. In the absence of evidence to the contrary and based on its assessment of the application submissions and a visual appraisal of the building the Council concludes that the application building is not capable of functioning as a dwelling and does not have the permitted development right under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Case Officer: Imogen Hopkin

DATE: 11<sup>th</sup> July 2023

Checked By: Nathanael Stock

DATE: 12.07.2023

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## **APPENDIX 7**



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## Appeal Decision

Site visit made on 7 September 2021

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 September 2021**

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**Appeal Ref: APP/C3105/W/21/3276772**

**Little Haven, Barford Road, South Newington, Banbury OX15 4LN**

- 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 (as amended).
  - The appeal is made by Mr Paul Stead and Mrs Valerie Tew against the decision of Cherwell District Council.
  - The application Ref 21/00182/Q56, dated 18 January 2021, was refused by notice dated 18 March 2021.
  - The development proposed is the change of use of part of an agricultural building and curtilage to one residential dwelling.
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the change of use of part of an agricultural building and curtilage to one residential dwelling at land at Little Haven, Barford Road, South Newington, Banbury OX15 4LN in accordance with the terms of the application Ref 21/00182/Q56, dated 18 January 2021.
2. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2(3) of the Order and the following additional conditions.
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plan, Drawing No.220166-DWG-001; Proposed Floor Plan and Elevations, Drawing No. 220166-DWG-003 Revision C and Proposed Day Lighting Floor Plan and Elevations, Drawing No.220166-DWG-004.
  - 2) Prior to the first occupation of the dwelling, a system to facilitate electrical vehicle charging shall be installed. Thereafter, it shall be retained and maintained for those purposes in connection with the development.
  - 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in

writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed, and thereafter approved in writing by the local planning authority.

### **Procedural Matters**

3. For brevity, in my heading above I have taken the description of development from that stated on the appeal form and decision notice rather than the application form.
4. The appellants submitted a revised proposed floor plan and elevation drawing as part of the appeal (drawing number 220166-DWG-003 Revision C). This corrects the discrepancy in drawing number 220166-DWG-003 Revision B between the sizes of two proposed windows serving a ground floor bedroom on the rear elevation and the openings shown on the ground floor plan. It is also consistent with the details of the proposed day lighting floor plan and elevations<sup>1</sup>. The alterations assist clarity and are of a minor nature. As such, I am satisfied that no one would be prejudiced by my determining the appeal with reference to the revised drawing.
5. Since the Council made its determination the Order has been amended<sup>2</sup> to require minimum space requirements for new dwellinghouses created under the Order. However, this does not take effect for applications for prior approval made before 6 April 2021. As such, it would not take effect in relation to the appeal proposal and I have made my determination on this basis.
6. The Government published its revised National Planning Policy Framework on 20 July 2021. The main parties have had the opportunity to comment on the revised Framework as part of the appeal process.

### **Background and Main Issue**

7. Schedule 2, Part 3, Class Q of the Order permits (a) the 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.

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<sup>1</sup> Drawing Number 220166-DWG-004

<sup>2</sup> The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020, Statutory Instrument No. 2020/1243

8. In this case, both change of use and building operations to convert the building are proposed. The Council refused the proposal as it was not convinced that the existing building was capable of being converted in accordance with criterion (i) of Class Q.1 of the Order and that the proposed building operations went beyond those reasonably necessary to convert the building permitted by Class Q(b).
9. The Council does not otherwise dispute that the proposal is acceptable in respect of the other matters required to be satisfied by Class Q in paragraphs Q.1.(a) to (h) and (j) to (m), nor those requiring a determination as to whether prior approval will be required listed in paragraph Q.2(1).
10. Therefore, the main issue is whether the proposal would be permitted development meeting the requirements of Schedule 2, Part 3, Class Q(b) of the Order, having regard to whether it would comprise building operations reasonably necessary for the building to function as a dwellinghouse.

## **Reasons**

### *Whether the proposal would be permitted development under Class Q(b)*

11. Class Q(b) of the Order permits building operations reasonably necessary to convert the relevant building to a use falling within Class C3. It further states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than 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.
12. The proposal concerns 3 bays of a 4 bay agricultural building of relatively recent construction<sup>3</sup>. The building has a galvanised steel portal frame and concrete slab floor. The lower section of the two existing external walls<sup>4</sup> that relate to the proposal are constructed from blockwork with vertical timber boarding to the upper part. Save for where plywood has been applied to the internal face, the timber boarding has gaps providing ventilation. The side and rear elevation do not provide any openings, but the front elevation of the three bays is open. The pitched roof is covered with corrugated cementitious sheets with some translucent panels spanning between timber purlins. My observations were that the building was generally in a good state of repair.
13. In addition to the proposed plans, the appellants have provided information as to the extent of the works proposed in their Statement of Case and Structural Reports<sup>5</sup>. The development proposes to retain the steel frame. Furthermore, the existing blockwork walls and timber boarding would be retained as the external fabric<sup>6</sup>. The concrete floor slab would also remain in place but would require a damp proof membrane and screed on top. It is confirmed that the roofing does not contain asbestos, and therefore, the existing roof will be retained<sup>7</sup>. The appellants contend that the external parts of the development

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<sup>3</sup> Paragraph 2.3 Appellants' Statement of case – erected in 2008

<sup>4</sup> Side northern elevation and rear eastern elevation

<sup>5</sup> Visual Structural Inspection and Subsequent Assessment for Planning Purposes (dated December 2020) and Addendum (dated April 2021) prepared by David Smith Associates

<sup>6</sup> Paragraph 6.9 Appellants' Statement of case

<sup>7</sup> Paragraph 6.18 Appellants' Statement of case

would possess approximately 88% of existing external fabric<sup>8</sup>, and I have not seen detailed evidence that undermines that estimate.

14. However, the three open bays in the front elevation would be infilled with extensive glazing and what appears to be timber boarding<sup>9</sup>. New windows and doors would be inserted into the side and rear external elevations. Internal alterations would cumulatively be appreciable as they would entail internal insulation and boarding to the walls and roof, a mezzanine first floor, a dividing wall to separate the proposed dwelling from the fourth bay and partition walling to create internal rooms.
15. The structural reports conclude that the building is more than capable of supporting the proposed change of use to residential accommodation without the modification or enhancement of the existing structural format of the property, or its foundation and ground slab. The evidence before me expressly states that a new floor slab will not be required. Consequently, the measures outlined to meet Building Regulations for the floor would not amount to significant adaptations. Moreover, whilst it is stated that additional roof purlins would be required to support the insulation, services and plasterboard ceilings associated with a residential use<sup>10</sup>, this would be supplementary to the existing purlins rather than signifying a structural concern. On this basis, the evidence indicates that the building would be structurally capable of functioning as a dwelling and I have seen little substantive evidence to show otherwise.
16. Planning Practice Guidance (PPG)<sup>11</sup> advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, clarifying that it is not the intention of the permitted development right in Class Q(b) to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. In this respect the PPG refers to relevant case law<sup>12</sup> to which both parties also refer, and I have had regard.
17. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore if a development does not amount to a conversion then it fails at the first hurdle, even though the building operations may fall within those listed in paragraph Q.1(i). Furthermore, whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
18. PPG further advises that internal works are not generally development and that 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, which are not prohibited by Class Q. It follows that the insertion of internal insulation and partitions are not prohibited under Class Q.

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<sup>8</sup> Paragraph 6.10, Appellants' Statement of Case

<sup>9</sup> Drawing number 220166-DWG-003 Revision C

<sup>10</sup> Paragraphs 2.7-2.8 Visual Structural Inspection and Subsequent Assessment for Planning Purposes (dated December 2020) and paragraph 2.3 Addendum (dated April 2021) prepared by David Smith Associates

<sup>11</sup> Paragraph 105 Reference ID: 13-105-20180615 revision date 15.06.2018

<sup>12</sup> Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

19. Therefore, based on the information presented, although the cumulative extent of the works proposed to facilitate a residential use would be considerable, I am satisfied that it would not be to a degree that would amount to a fresh build of the structure, nor involve building operations that fall outside of those described in Class Q.1(i) of the Order. In addition, the building operations would be to an extent reasonably necessary to make the building weatherproof, warm and suitable for human habitation.
20. I note that my approach is generally consistent with those Inspectors in appeal decisions concerning Class Q(b) of the Order, as highlighted by the appellants<sup>13</sup>. Nevertheless, I have determined the scheme before me on the specific circumstances of the building in question, which will inevitably differ from the agricultural buildings in those cases. As such, they have had only a limited bearing on my determination.
21. Therefore, the proposal might reasonably be described as a conversion covering those works reasonably necessary for the building to function as a dwellinghouse. It follows that on the evidence provided, the proposal would fall within the requirements of Class Q(b) of the Order such that the building would benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order subject to the conditions set out in paragraph Q.2 of the Order.

### **Other Matters**

22. The Council does not suggest that the proposal fails to comply with the other restrictions and limitations specified in paragraph Q.1 of the Order. Furthermore, subject to conditions, no objections are raised in relation to those matters requiring a determination as to whether prior approval will be required listed in paragraph Q.2(1) of the Order. I have nothing before me that would lead me to take a different view.

### **Conditions**

23. Paragraph Q.2(3) of the Order requires the development to be completed within a period of 3 years from the date that prior approval is given and in order to highlight this, I have referred to it in my decision. In addition, to ensure certainty, I have imposed a condition setting out the approved plans which includes the revised plan.
24. Paragraph W(13) of the Order provides that a grant of prior approval can be made unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. As part of the consultation responses, conditions were suggested by the Council's Environmental Protection Officer, firstly, to require provision to be made for electric vehicle charging and secondly, measures to be taken to assess and if necessary, address land contamination. The former would make reasonable preparation for a foreseeable transition to electric vehicles and is related to the highway and transport impacts of the development.
25. Contamination risks on the site are also a matter for prior approval listed in paragraph Q.2(1)(c). Given that the building has accommodated lambs and alpacas, it is possible that agricultural medicines or other substances injurious to human health may have been present. Therefore, it would be appropriate to

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<sup>13</sup> Appendix 5, Appellants' Statement of Case

impose a condition to undertake reasonable investigation and necessary mitigation to ensure that the site would be safe for human habitation.

**Conclusion**

26. For the above reasons, I conclude that the appeal should be allowed, and prior approval is deemed to be granted.

*Helen O'Connor*

Inspector

## **APPENDIX 8**





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## Appeal Decision

Site visit made on 19 February 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 March 2019**

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### **Appeal Ref: APP/C3105/W/18/3212286**

### **Barn at Wooden Hill Farm, Barford Road, Bloxham, Oxon OX15 4LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
  - The appeal is made by Mr Bruce Bennett against the decision of Cherwell District Council.
  - The application Ref 18/01144/Q56, dated 20 June 2018, was refused by notice dated 29 August 2018.
  - The development proposed is change of use to convert existing agricultural building to two dwellinghouses.
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### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO) for the change of use to convert existing agricultural building to two dwellinghouses at the barn at Wooden Hill Farm, Barford Road, Bloxham, Oxon OX15 4LP in accordance with the terms of the application Ref 18/01144/Q56, dated 20 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the approved plans: Plan at scale 1:2500 showing "*Proposed barn conversion, Wooden Hill Farm, Bloxham*" dated February 2018; 090 ("*Existing Elevations*"); 091 ("*Existing Plan and Typical Cross Section*"); 110 ("*Proposed Floor Plan*"); 111 ("*Roof and Block Plan*"); 120 ("*Proposed Elevations*").
  - 2) The residential curtilage to be created for the dwellings hereby permitted shall be restricted at all times to the areas shaded green on the approved Plan at scale 1:2500 showing "*Proposed barn conversion, Wooden Hill Farm, Bloxham*" dated February 2018.

### **Background and Main Issue**

2. The GPDO grants permission for certain types of development provided certain criteria are met. Under Schedule 2, Part 3, Class Q, provision is made for (a) the 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 (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.
3. In this case, both change of use and building operations to convert the building are proposed. The basis of the Local Planning Authority's (LPA) refusal is that substantial rebuilding of the structure is proposed and that the alterations would go beyond the permissible building operations that could reasonably be considered necessary to enable the building to function as a dwellinghouse.
  4. The LPA does not dispute that the proposal is acceptable in respect of the other matters required to be satisfied by Class Q in paragraphs Q.1. (a) to (h) and (j) to (m) and the conditions set out in paragraph Q.2. I see no reason to disagree. I have therefore determined this appeal on that basis and my decision solely addresses matters relating to Q.1 (i)(i).
  5. Accordingly, the main issue is whether the scheme would be permitted development under Schedule 2, Part 3, Class Q of the GPDO with regard to whether or not the proposed development would comprise building operations reasonably necessary for the building to function as a dwellinghouse.

### **Reasons**

6. The appeal building is a four-bay steel portal framed agricultural building which, according to the appellant's figures, extends to 270 sq.m. The building has a dual pitched roof covered with asbestos sheeting. The roof is supported by rolled steel angle purlins which span between portal frames. The walls are constituted from tall concrete blocks, above which is metal cladding up to the eaves height.
7. It is not in dispute that the structural integrity of the building is such that it is capable of physically supporting conversion to residential use. The proposed works would involve the stopping up of the existing agricultural scale openings and the insertion of domestic doors and a number of windows. The roof covering would also be replaced with insulated steel profile sheets. Whilst not referred to by the appellant, I saw on my site visit that the building also appears to lack a solid floor slab which presumably would need to be constructed as part of the residential conversion.
8. Nevertheless, all four of the external walls the existing structure would be substantially retained, with insulation being undertaken as internal works to the building. Furthermore, I am not aware of any provision in the GPDO which would indicate that, in principle, steel portal framed buildings are not a suitable form of building for conversion under this Part of the GPDO.
9. I have carefully considered the LPA's concerns in relation to the extent of works required to re-roof the building and reconstruct walls as a result of the stopping up of existing doors and the creation of fenestration and other openings. However, the replacement of a roof covering and insertion of new openings are expressly permitted in principle under Class Q.1.(i)(i) and, to my mind, the works proposed would be reasonable operations to provide a suitable living environment for future occupiers. Furthermore, the Planning Practice Guidance advises that it may be appropriate to undertake internal structural works, including allowing for a floor.

10. Accordingly, the existing building is, in my view, capable of conversion to residential use without building operations that would amount either to complete or substantial re-building of the pre-existing structure.
11. In conclusion, the building operations would comprise those reasonably necessary for the building to function as a dwellinghouse in accordance with Class Q.1.(i)(i) of the GPDO. Accordingly, the proposed development is permitted by Class Q.

### **Conditions**

12. The GPDO makes clear that any permission granted for development under Class Q is subject to the condition set out in paragraph Q.2.(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. A specific condition is not therefore necessary in this regard.
13. Paragraph W(13) of the GPDO also allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. In the interests of certainty and clarity, I therefore attach a condition specifying the approved plans.
14. Given the LPA's concerns over the relationship of the proposed car parking area with the proposed curtilages, I also consider it necessary in the interests of certainty to impose a condition restricting the area to be used as residential curtilage to that shown shaded in green on the relevant submitted plan. This would, for the avoidance of doubt, restrict curtilage land to that which is no larger than the land area occupied by the agricultural building, in compliance with the GPDO.
15. The LPA did not suggest any conditions should be imposed and I consider that, with the exception of the above, none are necessary.

### **Conclusion**

16. For the reasons set out above, I conclude that the appeal is allowed and prior approval is granted.

*Ian Bowen*

INSPECTOR

## **APPENDIX 9**

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## Appeal Decision

Site visit made on 7 September 2021

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 September 2021**

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**Appeal Ref: APP/C3105/W/21/3276611**

**Part of OS Parcel 5900, East of Broughton and North Newington, Banbury Road, North Newington/Banbury, Oxfordshire OX15 6AA**

- 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 (as amended).
  - The appeal is made by Dr Carl Evans against the decision of Cherwell District Council.
  - The application Ref 20/03175/Q56, dated 29 July 2020, was refused by notice dated 21 December 2020.
  - The development proposed is the conversion of an existing barn to a single large dwellinghouse under Class Q permitted development (re-submission of 20/02051/Q56).
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the conversion of an existing barn to a single large dwellinghouse under Class Q permitted development (re-submission of 20/02051/Q56) at Part of OS Parcel 5900, East of Broughton and North Newington, Banbury Road, North Newington/Banbury, Oxfordshire OX15 6AA in accordance with the terms of the application Ref 20/03175/Q56, dated 29 July 2020.
2. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2(3) of the Order and the following additional conditions.
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan drawing No CE 2201-4, showing curtilage as black T-line; E & N Elevations, drawing number CE 2201-5c; W & S Elevations, drawing number CE 2201-6c; Floor Plan, drawing number CE 2201-7c and Location Plan, drawing number CE 2201-9.
  - 2) Prior to the first occupation of the dwelling, vision splays shall be provided at the access to give clear visibility over a distance of at least 215 metres to the north west and 215 metres to the south east (or distance to the priority junction with the B4035 Broughton Road) from a point at least 2.4 metres back from the centre line of the access, measured from and along the near edge of the carriageway, details of which shall previously have been submitted to and approved in writing by

the local planning authority. The vision splays shall be kept clear of all obstructions, levelled and maintained at a height not exceeding 0.6 metres above the adjacent carriageway level.

- 3) Prior to the first occupation of the dwelling, covered cycle parking facilities, car parking and manoeuvring areas shall be provided on the site in accordance with details previously submitted to and approved in writing by the local planning authority. The car parking shall include a system of electrical vehicle charging. The car parking and covered cycle parking facilities so provided shall thereafter be retained and maintained for those purposes in connection with the development.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and thereafter approved in writing by the local planning authority.

### **Procedural Matters**

3. In my heading above I have taken the description of development from that used in the appeal form and decision notice as it is more succinct than that on the application form.
4. Since the Council made its determination, amendments<sup>1</sup> have been made to the Order. These include a requirement pertaining to the internal space of new dwellinghouses permitted under the Order. In effect, any such dwelling must comply with the nationally described space standard issued by the Department for Communities and Local Government. In addition, a further matter for prior approval was added to Schedule 2, Part 3, Class Q relating to the provision of adequate natural light in all habitable rooms of the dwellinghouse(s) permitted. However, having regard to the transitional arrangements for the introduction of these requirements, it is not shown that either amendment would take effect given the timing of the appeal before me. I have made my determination on this basis.

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<sup>1</sup> The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 Statutory Instrument No. 2020/1243 & The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, Statutory Instrument No. 2020/632

5. The Government published its revised National Planning Policy Framework on 20 July 2021. The main parties have had the opportunity to make comments in relation to the revised Framework as part of the appeal process.

### **Main Issues**

6. The main issues are whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Order, having regard to the following matters:
- The proposed curtilage.
  - Whether the site was used solely for an agricultural use as part of an established agricultural unit that meets the requirements of paragraph Q.1(a) of the Order.
  - The extent of the proposed building operations and the requirements of Class Q(b) of the Order.

### **Reasons**

#### *Curtilage*

7. Class Q of the Order permits the 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. Accordingly, this limits the area of land across which there can be such a change of use. Paragraph X of the Order defines what the term 'curtilage' means in this context. It is *'(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser'*.
8. Drawing number CE 2201-4 denotes the curtilage of the building with a black T-line which is stated to be an area<sup>2</sup> of 448m<sup>2</sup>. It is located immediately beside or around the building. Whilst there is also a red line that includes more land on the same plan, the key provided is sufficiently clear such that the curtilage area can be identified. It is not shown that it is a requirement of prior approval to identify the curtilage by a red line, as long as the area is made clear as part of the application. Neither is it shown to be a requirement that it must relate to an existing physical delineation or enclosure on the ground.
9. Nevertheless, there is some ambiguity as to the land area occupied by the agricultural building. The appellant states<sup>3</sup> that the supporting information gives the floor area as 450m<sup>2</sup>. However, the Schedule: General Information ref CE2201/spec.c before me refers to a floor area for the proposed dwelling of 437.50m<sup>2</sup>. Nevertheless, this is likely to refer to the internal floor space rather than the land area occupied by the agricultural building and so would exclude the external walls. This is reinforced by the appellant's reference<sup>4</sup> to the external dimensions detailed in Appendix 1 of the Structural Appraisal Report provided. Those dimensions related to the outward face of the structure. On

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<sup>2</sup> Paragraph 3.2, Appellant's Statement in Support prepared by Graham Gover Solicitor & Schedule: General Information ref: CE2201/spec.c, page 2

<sup>3</sup> Paragraph 3.2, Appellant's Statement in Support prepared by Graham Gover Solicitor

<sup>4</sup> Paragraph 2.3, Statement of the Appellant Carl Evans dated 7 June 2021

that basis, it would have a footprint of 450m<sup>2</sup>. Moreover, the Council accepts<sup>5</sup> that the building footprint is approximately 451m<sup>2</sup>.

10. These circumstances differ from the appeal highlighted by the Council<sup>6</sup> as in that case although there were some discrepancies identified, the proposed curtilage was larger than the building footprint.
11. Based on the evidence before me, I am satisfied that the proposed curtilage on the submitted plan shows an area no larger than the land area occupied by the agricultural building. It follows that it would adhere to the definition of curtilage in paragraph X of the Order.

### *Agricultural Use*

12. Paragraph Q.1(a) of the Order stipulates that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins. Although there is no disagreement that the appeal building was associated with an established agricultural unit, the Council considers that it was in mixed equine and agricultural use on 20 March 2013.
13. This appears to be largely predicated on the planning permission obtained for the building in 2002<sup>7</sup> which permitted the erection of an agricultural building for equine and agricultural use. However, it does not necessarily follow that the site was in a mixed use on the requisite date if there is evidence to show otherwise.
14. Firstly, it is necessary to consider the definition of the relevant terms in paragraph Q.1(a) and thereafter, apply those to the evidence concerning the use of the site. Paragraph X of the Order states that for the purposes of Part 3, 'site' means '*the building and any land within its curtilage.*' As will be seen in relation to the first main issue, the term curtilage is also defined in the Order and I have found that the proposal would meet the requirements of that definition. It follows that for the purposes of paragraph Q.1(a), it is the building and the proposed curtilage which would need to be solely in an agricultural use on 20 March 2013.
15. There is no definition of agriculture in the Order but section s336(1) of the Town and Country Planning Act 1990 lists examples of agricultural activities. Although not exhaustive, it includes the breeding and keeping of livestock and the use of land as grazing land. The latter may include the use of land for grazing horses but the keeping of horses would not normally fall within the remit of agricultural use where it involves activities other than putting them out to graze.
16. The appellant has provided a detailed description<sup>8</sup> of his activities relating to his agricultural holding and the appeal building, which is supplemented in some areas by photographic and documentary evidence. The presence of four horses

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<sup>5</sup> Paragraph 8.20 Council Planning Report

<sup>6</sup> Appeal reference APP/C3105/W/20/3250685

<sup>7</sup> Reference 02/02032/F

<sup>8</sup> Statement of the Appellant Carl Evans dated 7 June 2021



at the holding on 20 March 2013<sup>9</sup> is not denied. Nevertheless, based on the information before me, they were all retired due to age and/or ill health on that date. As such, they were not present for recreational or other activity but rather by virtue of mixed grazing that assisted in keeping the sheep.

17. Moreover, there is little evidence to show that the horses were housed in the appeal building or on its proposed curtilage. The appellant states that the horses were kept outside<sup>10</sup>, and I have not seen evidence to demonstrate otherwise. He further states that the building was used to house pigs, poultry, and lambs, as well as to store equipment used to transport sheep and pigs.
18. The balance of evidence provided indicates that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. Accordingly, I find the appeal proposal would comply with the limitation under paragraph Q.1(a) of the Order.

#### *Extent of building operations*

19. Class Q(b) of the Order permits building operations reasonably necessary to convert the relevant building to a use falling within Class C3. It further states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than 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.
20. The agricultural building in question is a modern steel portal framed building constructed in approximately 2002. Aside from large doors in the north, east and southern elevations, the structure is enclosed with walls comprising approximately 2m high blockwork at the lower level with hit and miss vertical timber boarding above. In addition, there is corrugated cement sheeting to the pitched roof together with some rooflights. The submitted structural appraisal report<sup>11</sup> states that there are mass concrete pad foundations supporting the steel portal frames and trench fill foundations between, supporting the blockwork walls. Furthermore, the existing ground floor comprises a 150mm thick concrete slab.
21. The appraisal concludes that the barn has been constructed to a high standard and that the barn structure, including roof, walls, ground floor and foundations do not need any significant remedial works. Therefore, the structural information prepared by a qualified engineer shows that the building is suitable for conversion without significant structural interventions.
22. Whilst the appraisal does not go into great detail regarding the entirety of the building operations proposed, it is stated that the conversion works would include the insertion of new doors/windows, internal finishes to roof and walls and ground floor partition walls. Further details are confirmed by the appellant who states<sup>12</sup> that the only external changes to the building would be building up the existing block walls to eaves height, replacing the existing roof covering

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<sup>9</sup> Paragraph 3.12, Statement of the Appellant Carl Evans dated 7 June 2021

<sup>10</sup> Paragraphs 3.1, 3.8, 3.9 and 3.21 Statement of the Appellant Carl Evans dated 7 June 2021

<sup>11</sup> Solid Structures Ltd dated 30 July 2020

<sup>12</sup> Paragraph 2.10, Statement of the Appellant Carl Evans dated 7 June 2021

- to match the current roof profiling and number of roof lights, and additional openings for windows.
23. On this basis, the proposal would retain the steel portal frame and concrete floor as well as the existing blockwork walls. The existing large door openings would be retained but would provide fenestration. New windows and doors would be inserted into all four elevations, but these would be relatively modest openings. There is some ambiguity regarding the retention or otherwise of the existing hit and miss timber boarding on the upper walls of the building. The application form suggests it would be replaced with vertical close boarding in a dark finish<sup>13</sup>. However, the submitted plans state that the original external walls would be retained<sup>14</sup>. In addition, the elevations are annotated using 'spaced boarding' and the appellant did not include the replacement in his exhaustive list of external changes to the building<sup>15</sup>. Taking these factors together, I have understood this to mean that the existing timber boarding will be retained with the blockwork walls increased in height to eaves level behind.
24. Planning Practice Guidance (PPG)<sup>16</sup> advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, clarifying that it is not the intention of the permitted development right in Class Q(b) to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. In this respect the PPG refers to relevant case law<sup>17</sup> to which I have had regard.
25. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore, if a development does not amount to a conversion then it fails at the first hurdle, even though the building operations may fall within those listed in paragraph Q.1(i). Furthermore, whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
26. From the information in the structural report, plans and appellant's appeal statement, the cumulative extent of the works proposed to facilitate a residential use would be considerable, but given the retention of original fabric in this case, not to such a degree that it would amount to a fresh build of the structure. Moreover, the proposed external changes would fall within the building operations listed in paragraph Q.1(i) of the Order.
27. In addition, the provision of internal walls and insulation would be generally required to meet regulatory standards necessary to make the building warm, dry and suitable for human habitation. PPG advises that internal works are not generally development. Therefore overall, the proposal would constitute a conversion covering those works reasonably necessary for the building to function as a dwellinghouse.
28. The detailed circumstances in relation to the proposal before me differ from those of the building considered in the Hibbitt case, in that the building in that

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<sup>13</sup> Section 7, Application form

<sup>14</sup> Drawings numbered CE 2201-5c and CE 2201-6c

<sup>15</sup> Paragraph 2.10, Statement of the Appellant Carl Evans dated 7 June 2021

<sup>16</sup> Paragraph 105 Reference ID: 13-105-20180615 revision date 15.06.2018

<sup>17</sup> Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

case was largely open sided and involved the construction of four exterior walls. In contrast the proposal before me would retain a significantly greater degree of original building fabric. In any event, I am required to reach my own judgement based on the proposal, my own observations and the evidence before me.

29. It follows that on the evidence provided, the proposal would fall within the requirements of Class Q(b) of the Order such that the building would benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order subject to the conditions set out in paragraph Q.2 of the Order.

### **Other matters**

30. The Council does not suggest that the proposal would fail to comply with any of the other restrictions and limitations specified in paragraph Q.1<sup>18</sup> of the Order, and I have no reason to take a different view. Furthermore, no fundamental objection is raised in relation to the matters for which a developer must apply to the local planning authority for a determination as to whether prior approval will be required in paragraph Q.2(1). I have nothing before me that would provide a reason to oppose the development in relation to these matters. However, I have further considered those matters where consultation responses received during the application suggest conditions would be required.
31. Paragraph Q.2(1)(a) refers to the transport and highways impacts of the development. The proposal would use the existing agricultural access onto Banbury Road. The Highway Authority have identified that visibility to the right is substandard, and I observed that the road alignment and hedgerow restricted the view when exiting the site. Moreover, it would be more difficult for approaching drivers to register the presence of smaller domestic vehicles exiting the site than larger agricultural vehicles. The appellant owns the adjacent field and as such visibility could be improved. Otherwise, sufficient room exists to provide manoeuvring space such that vehicles could access and exit the site in forward gear, as well as provide off-street parking. Conditions could secure the specific details of these arrangements. On that basis, the transport and highway impacts of the development would be acceptable.
32. Paragraph Q.2(1)(b) refers to noise. The site is adjacent to a sports ground and the Council's Environmental Protection Officer suggests a condition to specify noise levels is required. My observations were that the land included a grassed unlit cricket pitch. The associated buildings and parking area were a considerable distance from the appeal building. The use appeared generally low key, and the absence of lighting and significant spectator facilities would mean the use of the land would tend to generate a limited amount of noise. Moreover, this would tend to avoid later evening times. As such, the noise impacts of the development would be acceptable, and I am not persuaded that a condition would be a proportionate response in these circumstances.
33. The contamination risks on the site are listed in paragraph Q.2(1)(c). Given that the building has accommodated livestock, it is possible that agricultural medicines or other substances injurious to human health may have been present. Therefore, it would be appropriate to undertake further investigations

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<sup>18</sup> Paragraph 9.1, Council's Planning Report

and necessary mitigation to ensure that the site would be safe for human habitation. This is a matter that can be secured by condition.

### **Conditions**

34. Paragraph Q.2(3) of the Order requires the development to be completed within a period of 3 years from the date that prior approval is given and in order to highlight this, I have referred to it in my decision. In addition, notwithstanding the requirements of Paragraph W(12) of the Order to carry out the proposal in accordance with the approved details, I have highlighted some discrepancies in the information provided. Therefore, to ensure certainty, I have imposed a condition setting out the approved plans, with particular reference to the curtilage denoted.
35. Paragraph W(13) of the Order provides that a grant of prior approval can be made unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. It will be seen from my reasoning above, that a condition to ensure the provision of visibility splays, manoeuvring and parking is reasonable. Moreover, cognisant of the wider environmental benefits, provision should be made for electric vehicle charging and cycle parking as part of the parking arrangements to be secured. Finally, a condition relating to land contamination would be appropriate.

### **Conclusion**

36. For the reasons given above, I conclude that the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Order. Consequently, the appeal is allowed.

*Helen O'Connor*

Inspector

## **APPENDIX 10**



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## Appeal Decisions

Site visit made on 7 November 2019

by **R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> December 2019

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### **Appeal A Ref: APP/Y2810/W/19/3234721**

#### **Church Farm Barns, Church Farm, Overstone Park, Overstone NN6 0AE**

- 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 (GPDO).
  - The appeal is made by Mr P Charles against the decision of Daventry District Council.
  - The application Ref PD/2018/0078, dated 12 December 2018, was refused by notice dated 8 February 2019.
  - The development proposed is change of use of agricultural building to form 2 no dwellings (Barn 1).
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### **Appeal B Ref: APP/Y2810/W/19/3234921**

#### **Church Farm Barns, Church Farm, Overstone Park, Overstone NN6 0AE**

- 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 (GPDO).
  - The appeal is made by Mr P Charles against the decision of Daventry District Council.
  - The application Ref PD/2018/0079, dated 12 December 2018, was refused by notice dated 8 February 2019.
  - The development proposed is change of use of agricultural building to form 2 no dwellings (Barn 2).
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### **Decision Appeal A**

1. The appeal is allowed and planning permission is granted for change of use of agricultural building to form 2 no dwellings (Barn 1) at Church Farm Barns, Church Farm, Overstone Park, Overstone NN6 0AE in accordance with the terms of the application, Ref PD/2018/0078, dated 12 December 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1329-18/04 Rev B, 1329-18/07 Rev A and 1329-18/09.
  - 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for

the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

### **Decision Appeal B**

2. The appeal is allowed and planning permission is granted for change of use of agricultural building to form 2 no dwellings (Barn 2) at Church Farm Barns, Church Farm, Overstone Park, Overstone NN6 0AE in accordance with the terms of the application, Ref PD/2018/0079, dated 12 December 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1329-18/06 Rev B, 1329-18/07 Rev A and 1329-18/10.
  - 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

### **Procedural Matters**

3. I have used the description of development for both appeals from the respective decision notices omitting phrases that are not an act of development, in the interests of clarity since those descriptions refer to the relevant barn.
4. As set out above there are two appeals which differ partly in their location within Church Farm. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

## Main Issue

5. From the evidence before me, the main issue for **Appeal A** and **Appeal B** is whether or not the proposed change of use would be permitted development having regard to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

## Reasons

6. Class Q 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) of the Schedule to the Use Classes Order together with building operations reasonably necessary to convert the building.
7. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than— (i) the installation or replacement of— (aa) windows, doors, roofs, or 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 reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. Paragraph 105 of the Planning Practice Guidance (PPG) provides further guidance. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.
9. Barns 1 and 2 consist of an existing steel portal frames with corrugated roofs and concrete floors. Some parts of the elevations have single leaf blockwork on the lower half with timber cladding on the upper half, while other parts of the building have open elevations. The appeal scheme consists of the demolition of part of the barns, and two residential dwellings proposed in the remaining parts of each barn.
10. The proposals include a new external masonry wall on each barn as well as the retention of the low-level blockwork walls and infilling that would be over clad with timber cladding. The corrugated roof would be replaced with single ply roof covering. While the Council considers that the proposals would result in new structural walls which will hold the roof structure to both Barns and would require foundations, the Structural Report<sup>1</sup> states that the existing barn can safely support the proposed layout and construction without any structural enhancement. From the evidence before me, I am satisfied that the existing portal frame would be able to support the new roof covering.
11. I note that it also states for both barns, that the proposed masonry construction would consist of a number of cross walls and internal partitions which would buttress the masonry independently of the steel frame. While the slab would need to be refurbished to allow the installation of a damp-proof membrane, insulation and a levelling screed, these works would not contribute to the structural integrity of the building. Furthermore, since the report adds that the steel frame itself will be able to resist the wind loading that will be generated by the external cladding, without any strengthening, I am satisfied that the masonry walls would not introduce any substantial structure to the proposals. Moreover, new exterior walls are permitted by paragraph Q.1 of the GPDO.
12. Overall, while I acknowledge that parts of the barns have doors or are partly open sided, since large portions of each barn would utilise the existing blockwork walls and given the

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<sup>1</sup> Ref: 18/31380/REV 'B' Date: December 2018 Prepared by: David Smith



findings of the Report, I am not persuaded that the proposed works would constitute starting afresh as was the finding in the *Hibbitt*<sup>2</sup> case.

13. While the proposal for Barn 2 would involve new foundations to support a new mezzanine floor, these elements are not prohibited by Class Q of the GPDO as set out in PPG paragraph 105.
14. I acknowledge the comments of the Inspectors for the Appeals at Lower Lodge Farm, Oak Farm and Court Farm<sup>3</sup>. However, each case must be determined on its individual merits and these cases have not altered my overall decision.
15. Therefore, for the above reasons and having taken into account, the proposed works to both Barn 1 and Barn 2 would be reasonably necessary for the conversion of the existing agricultural building to residential use and would fall within the scope of paragraph Q.1 of the GPDO.
16. Consequently, the proposed developments subject to Appeal A and Appeal B would be permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

### **Other Matters**

17. I note concerns regarding the service provided by the Council. However, each case must be determined on its individual merits and the other cases determined by the Council<sup>4</sup> have not altered my overall decision.

### **Conditions**

18. Paragraph W (13) of the GPDO does allow conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have considered the Council's suggested conditions and made changes having regard to paragraph 55 of the National Planning Policy Framework and the Planning Practice Guidance. I have also made minor amendments in the interests of precision and clarity.
19. Conditions relating to time limit and specifying the approved plans is required in the interests of certainty. Since the site potentially lies within a radon affected area, a condition relating to contamination is necessary and needs to be pre-commencement as it would be likely to relate to the demolition of parts of the existing buildings and early stages of construction. I have used a more concise condition in place of the conditions suggested by the Council.
20. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, in response to a request by e-mail, the appellant has confirmed that they approve of the pre-commencement conditions.

### **Conclusion**

21. For the reasons given above **Appeal A** and **Appeal B** should be allowed.

*R.Sabu*

INSPECTOR

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<sup>2</sup> *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

<sup>3</sup> Appeal refs: APP/J3720/W/17/3179581, APP/V0510/W/18/3198442 and APP/Z3825/W/18/3211612

<sup>4</sup> Council refs: PD/2019/0019 and PD/2019/0023

## **APPENDIX 11**



# Appeal Decision

Site Visit made on 5 July 2021

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 August 2021**

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**Appeal Ref: APP/Q3305/W/21/3271662**

**Building at Row Lane, Laverton, Frome, BA2 7RA**

- 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 (as amended).
  - The appeal is made by Mr & Mrs S Snook against the decision of Mendip District Council.
  - The application Ref 2020/2646/PAA, dated 18 December 2020, was refused by notice dated 5 February 2021.
  - The development proposed is the change of use of an Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
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## Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the change of use of an agricultural Buildings to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion, at 'Building at Row Lane', Laverton, Frome, BA2 7RA, in accordance with the terms of the application Ref 2020/2646/PAA, dated 18 December 2020, and the details submitted with it, including plan Refs: 200\_01 REV B, 200\_02, 200\_04 E, and 200\_05 A.

## Applications for costs

2. An application for costs was made by Mr & Mrs S Snook against Mendip District Council. This application is the subject of a separate Decision.

## Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), with particular regard to whether the extent of the proposed works to the building go beyond those permitted under Class Q.

## Reasons

4. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

5. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than 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. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed by the same paragraph.
6. Planning Practice Guidance provides further clarification in this regard. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is therefore only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
7. The proposed conversion to a dwelling would mean some extensive works, although as this is a barn this is not uncommon. I also note that as much of the exterior materials are to remain (albeit with added insulation and some infill areas, for example) using the existing structure. On this matter, as described by the submitted Structural Report, the structural elements of the barn (including some aspects recently repaired) are sufficient to support the building if converted as proposed. There are not full details of the foundations, but the Structural Engineer is satisfied from what was apparent that there would be no particular issue with this aspect of the building structure. With my own observations, I have no substantive reason to conclude otherwise on these matters.
8. In maintaining much of the existing cladding (with some repairs where necessary) the majority of the new exterior works would be to the north-east elevation, which is currently open. There would be some infilling to the other elevations, but not to an extensive degree. I would conclude that the exterior works (including new openings, for example) do not go beyond what is reasonably necessary for the conversion.
9. The proposal would be a conversion, rather than a new build development. Whilst I acknowledge the High Court Judgement in the case of *Hibbitt v SSCLG* (2016), in this case I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q.
10. Furthermore, as also set out by the Council, none of the matters set out at Paragraph Q.2(1)(a) to (g) in the context of this appeal indicate that prior approval should be withheld. This includes the matter of highways impacts, to which I conclude that sufficient parking and turning space can be provided within the site. The proposals with the glazing proposed would provide adequate natural light to all habitable rooms also.

### **Other Matters**

11. It has been drawn to my attention that the proposed curtilage area for the dwelling includes an area conditioned to be used for horse boxes. However, I have little detail of this and there is no substantive evidence that this area is still needed for horse boxes/parking for another development.
12. From my observations on site, the proposed residential use would not result in any significant reduction of living conditions for neighbours to the site.

### **Conditions**

13. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO.
14. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have included the list of plans within the decision paragraph (paragraph No 1). There is no substantive evidence of the need to impose additional conditions related to the subject matter of this prior approval.

### **Conclusion**

15. For the reasons given above and in considering all matters raised I conclude that the appeal should be allowed and prior approval should be granted

*Mr S Rennie*

INSPECTOR

## **APPENDIX 12**



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# Appeal Decision

Site Visit made on 5 July 2021

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 August 2021**

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## Reasons

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5. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than 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. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed by the same paragraph.
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10. Furthermore, as also set out by the Council, none of the matters set out at Paragraph Q.2(1)(a) to (g) in the context of this appeal indicate that prior approval should be withheld. This includes the matter of highways impacts, to which I conclude that sufficient parking and turning space can be provided within the site. The proposals with the glazing proposed would provide adequate natural light to all habitable rooms also.

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12. From my observations on site, the proposed residential use would not result in any significant reduction of living conditions for neighbours to the site.



### **Conditions**

13. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO.
14. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have included the list of plans within the decision paragraph (paragraph No 1). There is no substantive evidence of the need to impose additional conditions related to the subject matter of this prior approval.

### **Conclusion**

15. For the reasons given above and in considering all matters raised I conclude that the appeal should be allowed and prior approval should be granted

*Mr S Rennie*

INSPECTOR

