



## Chadwick Town Planning

Development Management  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA

17<sup>th</sup> May 2023

Our Ref: YAT001/dc

Dear Sir/Madam

### **Town and Country Planning (General Permitted Development) Order 2015 (as amended - Schedule 2, Part 3, Class Q b)**

#### **Conversion of agricultural building into a single dwellinghouse (Use Class C3) including building operations reasonably necessary for building to function as a dwellinghouse – Crockwell Barn, Crockwell Farm, Manor Road, Great Bourton, Oxfordshire, OX17 1QT**

This letter accompanies a notification under Schedule 2, Part 3, Class Q of the *Town and Country Planning (General Permitted Development) Order 2015 (as amended)* ('GPDO') in respect of permitted development consisting of:

(a) *a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*

(b) *development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

The notification is made on behalf of Crockwell Farm LLP, the owner of the agricultural building, known as Crockwell Barn, which is the subject of this application along with adjacent land. March Projects Limited are a member of Crockwell Farm LLP.

The application comprises:

- Application Form
- Site Location Plan – Drawing No. 21.02.03.100b by Blake Architects Limited
- Proposed Site Plan – Drawing No. 21.02.03.110e by Blake Architects Limited
- Proposed Drawings – Drawing No. 21.02.03.111f by Blake Architects Limited
- Structural Assessment – by Design Solutions Limited
- Covering Letter – by Chadwick Town Planning Limited (this letter)
- Application Fee – paid directly via the Planning Portal

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### **Class Q**

Class Q of the GPDO states that (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule is "permitted development" subject to satisfying certain requirements.

This application seeks confirmation that the conversion of Crockwell Barn at Crockwell Farm to a "larger" single dwelling house [over 100 sqm] and the provision of an associated curtilage [which is no larger than the area occupied by the agricultural building and meets the definition within Paragraph X of the GPDO – i.e. interpretation of Part 3] is permitted development under Class Q b) and that Prior Approval is granted for the submitted conversion details.

### **Class Q.1 Requirements**

Development is not permitted by Class Q if—

- a) the site was not used solely for an agricultural use as part of an established agricultural unit—
  - (i) on 20th March 2013, or
  - (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 10 years before the date development under Class Q begins;

It should be noted that 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 decision APP/C3105/W/20/3264358, which was allowed on 28<sup>th</sup> September 2021. This followed an appeal by the Applicant against the refusal of Application No. 20/01902/Q56.

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. On the evidence before him, the Inspector found that it had been reasonably demonstrated that the building has been used solely for agricultural purposes and there was no conflict with Part Q.1 of the GPDO to indicate that it is 'development not permitted'. See Appendix 1 for the decision letter. The proposal therefore accords with the requirement of Class Q.1.

- b) 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:
  - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q does not exceed 3 (NB – this is the only "larger dwellinghouse" proposed on the unit); and
  - (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 (NB – this being the only "larger dwellinghouse" the internal

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floorspace to be provided is 256 square metres/external footprint is 282 square metres);

- (ba) 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. This is satisfied. See floorspace in a) bb) above.
- c) The proposal is not a "smaller dwellinghouse", within an established agricultural unit so this section is not applicable.
- d) 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 –
- (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;
  - (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;

This is the only dwellinghouse to be developed under Class Q so falls within the total number specified in the GPDO;

- e) The site is not occupied under an agricultural tenancy;
- f) No agricultural tenancy has been terminated in the last year;
- g) 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 not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

This was a key issue in the most recent Class Q application for the building (21/04201/Q56) and the subsequent appeal decision APP/C3105/W/22/3306638 issued on 22<sup>nd</sup> December 2022 (see Appendix 2). The Inspector dismissed the appeal as – at the time – the external walls were to be clad with horizontal timber boarding with new windows and doors inserted and the existing roofing was to be removed and replaced. An air source heat pump was also previously proposed.

The Inspector concluded that the air source heat pump would not comply with this clause and that insufficient information had been provided to demonstrate that the proposed development would comply with clause Q.1 h).

The current proposal has been amended to specifically address these matters, namely:

- The air source heat pump has been deleted from the proposal;

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- The existing vertical cladding is to be retained
- The existing cement board cladding is to be retained
- The existing corrugated cladding is to be retained
- The existing roof covering is to be retained and insulated below the existing rafters and steel frame
- New glazed screens, doors and windows will be set within the steel frame of the building and existing openings.

As such, the proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Alterations that affect "only the interior of the building" are not development under section 55(2)(a) of the *Town & Country Planning 1990 Act (as amended)*. This is confirmed in the Government's Planning Practice Guidance<sup>1</sup>. See also the appeal decision attached as Appendix 3 - APP/Q3305/W/19/3240203 – relating to a similar case affecting an agricultural barn at Highcroft Lane, Binegar, Radstock BA3 4TP, which states at Paragraph 11:

*'The Inspector refers to PPG guidance that states that internal works are not generally development and that it may be appropriate to undertake internal structural works. It follows that the insertion of internal insulation and partitions are not prohibited under Class Q.'*

- i) The development under Class Q(b) would not 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, can reasonably and justifiably 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 necessary to make the building weatherproof and suitable for human habitation. It follows that on the evidence provided, the proposal would fall 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 paragraph Q2 of the Order (see below). There is no demolition.

- j) The site is not on article 2(3) land;
- k) The site is not a site of special scientific interest, a safety hazard area or a military explosives storage area;

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

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- l) The site is not, and does not, contain a scheduled monument; and
- m) The building is not a listed building.

### **Class Q.2 Requirements**

Class Q.2 sets out conditions with which the proposal must comply. The following considers the seven criteria set out in Condition (1) although it should be noted that the Council, as local planning authority, and technical consultees have not previously raised any issues or objections on any of these Q.2 requirements over the course of the three recent applications:

#### **a) Transport and highways impact 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. See Figure 1. 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.



**Figure 1 – Existing access**

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

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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 *National Planning Policy Framework* in respect of the transport and highway elements of the proposal.

As indicated in the Officer's Report on Application No. 21/04201/Q56, the local highway authority has not raised any objections to the previous similar proposals on highway safety grounds. The Council therefore considered the proposal to be acceptable in this regard. The same conclusion should therefore be reached on the current proposal as the access arrangements have not changed.

### **b) Noise impacts of the development**

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. See Figure 2.



**Figure 2 – The Barn and Surroundings**

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 Application No. 21/04201/Q56 with the Officer's Report stating that '*there are no particular noise concerns in relation to this application*'. Any noise insulation can be covered by a condition on the Prior Approval.

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### **c) Contamination risks on the site**

There have been no other historic uses except for agriculture that would give rise to any land contamination issues on the site.

### **d) Flooding risks on the site**

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.

### **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**

'Impractical' or 'undesirable' are not defined in the GPDO or related Regulations. The Government's *Planning Practice Guidance* (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.

*Planning Practice Guidance* 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.

*Planning Practice Guidance* 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.

On Application No. 21/04201/Q56 the Officer's Report concluded that proposal was considered to satisfy this criterion. The same conclusion should be reached on the current proposal as there has been no material change in circumstances.

### **f) The design or external appearance of the building**

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.

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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.

The Council has previously stated (App. No. 21/04201/Q56) that it has no particular issues with the proposed design and external appearance and has considered that it therefore satisfies criterion Q.2 (f). The design and external appearance of the proposed converted building will be acceptable, having regard to Government guidance in the *National Planning Policy Framework* and relevant policies in the statutory development plan.

### **g) The provision of adequate natural light in all habitable rooms of the dwellinghouse**

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 "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".

As can be seen from the submitted drawings, Crockwell Barn 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.

Finally, it should be noted that the proposal provides 256 sq.m of internal floorspace on one level, which significantly exceeds the Government's *Technical Housing Standards – Nationally Described Space Standard, 2015* for a single-storey, 2-bedroomed, 4-person dwellinghouse of 70 sq.m.

### **Structural Condition and Works**

The existing building is structurally sound, suitable for conversion and can be converted to residential use without any structural modification. The accompanying Structural Report from Design Solutions Limited provides confirmation of this.

The GPDO is a prescriptive document and the local planning authority does not have the ability to exercise discretion over its statutory provisions. However, since this type of permitted development was introduced there have been a number of matters which have proven difficult to interpret and/or have lacked clarity.

The Government has sought to overcome this issue through the publication of guidance within its *Planning Practice Guidance*, especially Paragraphs 101-109.

Paragraph 105 of the PPG states:

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

The proposal clearly meets the requirements of this Government advice.

The PPG also refers at Paragraph 105 to the leading case on the difference between conversions and rebuilding, i.e. [Hibbitt and another v Secretary of State for Communities and Local Government \(1\) and Rushcliffe Borough Council \(2\) \[2016\] EWHC 2853 \(Admin\)](#).

An addition to Paragraph 105 of the PPG was introduced in February 2018 with particular reference to internal works:

*'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.'*

The proposal involves minor external works. Internal works are limited to dry-lining/insulating the walls and roof and to enable the building to function as a dwelling. There are no internal structural works. The Barn is largely open except for one blockwork wall; the rooms will be created with studwork-walls to create the bedrooms, bathrooms, office, living and cycle/bin storage areas.

### **Curtilage**

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'.*

The red lined area submitted with the application 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.

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.

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### Submitted Information

In accordance with Paragraph W of the GPDO, the following is submitted with this Class Q application:

- (a) a written description of the proposed development, which includes any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
  - (ba) a statement specifying the net increase in dwellinghouses proposed by the development;
  - (bb) a statement specifying—(i) the number of smaller dwellinghouses proposed; (ii) the number of larger dwellinghouses proposed; (iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;
  - (bc) the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouse(s);
  - (c) the developer's contact address;
  - (d) the developer's email address is not provided as the application has been submitted by an agent and the developer is not content to receive communications electronically;
  - (e) a site-specific flood risk assessment is not required;
  - (f) the requisite fee has been paid.

### Summary

This proposal seeks to provide a new life and use for this substantial steel-framed Barn, which is closely related to new residential development whilst respecting the rural character and appearance of the building and the surrounding area. The conversion of the Barn aims to optimise living conditions and accommodation for the future residents of the building to make the best use of the opportunity offered by the re-use of this agricultural building to provide quality residential accommodation in an attractive village location. The existing building is capable of functioning as a residential conversion without any rebuilding and no new structural elements would be required.

The submission demonstrates that the existing Barn and structure is robust and suitable to allow it to be converted into a dwelling in the context of the criteria set out in Class Q b) of the GPDO, supporting *Planning Practice Guidance* and previous appeal decisions both on the site and elsewhere. We also consider that the proposal is fully compliant with the provisions of Class Q.1 and Q.2 of Part 3, Schedule 2 of the *Town and Country Planning (General Permitted Development) Order, 2015 (as amended)* for the reasons set out in the submission, the vast majority of which have also been accepted by the Council and Inspectors on appeal on previous proposals.

The design and appearance of the proposed conversion would result in a building that harmonises with the character and appearance of the surrounding area, respects the visual amenities of the area and gives the building a new, socially and economically beneficial use, which is sustainable development, in accordance with the objectives of the GPDO, the development plan and NPPF.

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The proposal provides an additional dwelling that meets the Government's *Technical housing standards – nationally described space standard (2015)* and ensures adequate natural light through the sensitive, non-intrusive and suitable re-use of an existing, structurally-sound building in accordance with the objectives and intentions of Government-led legislation and guidance.

This assessment demonstrates that the proposal complies with all of Class Q(b) of Schedule 2, Part 3, Class Q of the *General Permitted Development Order* and therefore we request that Prior Approval is granted for the proposal, which constitutes permitted development.

I trust that this information is sufficient to register and then approve the application but please feel free to contact me should you require any further details or clarification.

Yours faithfully,



**Duncan Chadwick BSc MSc MRTPI**  
**Managing Director**  
**Chadwick Town Planning Limited**

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## APPENDIX 1

### **Chadwick Town Planning Limited**

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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



Chadwick Town Planning

## APPENDIX 2

### **Chadwick Town Planning Limited**

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# 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



Chadwick Town Planning

## APPENDIX 3

### **Chadwick Town Planning Limited**

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## Appeal Decision

Site visit made on 25 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

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### Appeal Ref: **APP/Q3305/W/19/3240203**

### **Agricultural Barn, Highcroft Lane, Binegar, Radstock BA3 4TP**

- 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 T Gregory against the decision of Mendip District Council.
  - The application Ref 2019/1888/PAA, dated 2 August 2019, was refused by notice dated 3 October 2019.
  - The development proposed is the conversion of existing barn to a two bed single storey dwelling.
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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 existing barn to a two bed single storey dwelling at the Agricultural barn, Highcroft Lane, Binegar, Radstock BA3 4TP in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2(1) of the Order through application Ref 2019/1888/PAA, dated 2 August 2019. 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 condition:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing plans and elevations drawing 17234-2A; Proposed plans and elevations drawing 17234-3A; Section A-A & Notes Drawing 2019501 and Curtilage plan drawing 17234-4.

### Main Issue

2. The main issue is whether the proposal would be permitted development, with particular regard to whether the requirements of Schedule 2, Part 3, Class Q(b) of the Order would be met.

### Reasons

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

3. 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.
4. The agricultural building in question is a single storey timber framed building that stands on a concrete slab. The walls of the building are clad in timber boarding with a felt covering to the roof. Openings are limited and are confined to a set of timber double doors. I observed the building to be in a reasonably good state of repair which is reinforced by the findings of the submitted structural engineer's report<sup>1</sup>.
  5. The development proposes to retain the timber frame and 150mm reinforced concrete slab. It further indicates that the existing timber cladding walls would be retained and stained black<sup>2</sup>. However, there would be new windows and doors, considerable internal insulation and boarding to the walls, floor and roof as well as new lightweight 'Envirotile Plastic' roof tiling.
  6. The structural report further concludes that the structural integrity of the timber framework and concrete ground slab/foundations are considered adequate for conversion into domestic accommodation. This is substantiated with structural calculations which consider the existing building fabric but also the proposed refurbishment of the building. This expressly states that underpinning of the existing ground slab at portal frame posts will not be required<sup>3</sup>. It goes on to state that the internal partitions and internal board lining will improve the integrity of the building and that the lightweight roof tiling and proposed windows and doors will not affect the structural integrity of the building.
  7. Additionally, a letter from Total Building Control Ltd dated 29 July 2019 and referring to the submitted drawing numbers and structural report indicates that the proposal would, in their view, comply with 2010 Building Regulations. 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.
  8. Planning Practice Guidance (PPG)<sup>4</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>5</sup> to which I have had regard.
  9. 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

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<sup>1</sup> Prepared by Vale Design Partnership Ltd dated 2 July 2019, paragraph 5.1

<sup>2</sup> 'External Walls' notes, Section A-A & Notes Drawing: 20195v01

<sup>3</sup> Page 18

<sup>4</sup> Paragraph 105 Reference ID: 13-105-20180615 revision date 15.06.2018

<sup>5</sup> Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.

10. I am aware that there have been four previous prior notifications<sup>6</sup> under Class Q in relation to the appeal building, three of which have been dismissed at appeal. Given that the most pertinent PPG guidance<sup>7</sup> was revised on 15 June 2018, subsequent to two of the appeal decisions and that the proposal before me is similar in scope to that considered by the Inspector in the most recent appeal decision<sup>8</sup>, I consider that the latest appeal decision is of most relevance and attracts considerable weight in my determination.
11. The Inspector refers to PPG guidance that states that internal works are not generally development and that it may be appropriate to undertake internal structural works. It follows that the insertion of internal insulation and partitions are not prohibited under Class Q. Moreover, although the Council refers to earlier appeal decisions raising concerns that windows and doors may not be supported by the structure, those Inspectors referred to earlier versions of PPG guidance and did not have the structural report dated 2 July 2019 before them which indicates otherwise. Additionally, the submitted section drawing<sup>9</sup> illustrates this.
12. The principal concern of the Inspector in the most recent appeal decision was the lack of clarity as to whether the building's existing foundations would be sufficient to take the additional load. As such, he was unable to rule out whether underpinning would be necessary, which would not fall within the scope of the permitted development in Class Q of the Order. This is addressed in the structural engineer's report before me, which states<sup>10</sup> that although no excavations to expose buried sub-structural elements were undertaken at the time of the initial survey, subsequently, the outside edge of the ground-slab was exposed for a length of 1.3m along both axes at a corner of the building. This revealed that the ground slab comprises 150mm thick reinforced concrete and this has informed the structural calculations. I observed the exposed ground slab at my site visit. Moreover, the previous Inspector referred to concerns expressed by the Council's Building Control team. I have not seen any such concerns in relation to the scheme before me.
13. Therefore, based on the information presented, although the cumulative extent of the works proposed to facilitate a residential use would be considerable, it has been shown 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.
14. Accordingly, the proposal might reasonably 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 necessary to make the building weatherproof and suitable for human habitation. 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

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<sup>6</sup> Referenced 2017/0943/PAA; 2017/1810/PAA; 2018/2245/PAA & 2019/0161/PAA

<sup>7</sup> Paragraph 105 Reference ID: 13-105-20180615 revision date 15.06.2018

<sup>8</sup> Reference APP/Q3305/W/19/3219758

<sup>9</sup> Section A-A & Notes, Drawing 2019501

<sup>10</sup> Paragraph 2.2

Q(b) of the Order subject to the conditions set out in paragraph Q2 of the Order.

15. 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, and I have no reason to take a different view.

*Other matters*

16. In the appeal questionnaire<sup>11</sup> the Council have indicated that the appeal site is in or adjacent to, or likely to affect an SSSI or an internationally designated site. Furthermore, the delegated report states that the site is within a Special Area of Conservation (SAC) and the Council have subsequently confirmed this refers to the Mells Valley SAC, an important habitat for greater horseshoe bats. SAC's are habitats recognised as European sites under the Conservation of Habitats and Species Regulations 2017 (the Regulations) and all species of bat in the UK are protected species.
17. Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Regulations. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017 that development which (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77.
18. However, the Council have stated<sup>12</sup> that in their view the development would not, either alone or in combination with other plans or projects have a significant effect on the internationally important features of the SAC. I have little basis to dispute this. Furthermore, the process outlined above is administered under separate specific legislation and is therefore, distinct from the scope of the appeal decision before me. Accordingly, there is no need for me to consider this matter further as part of my decision.

**Conditions**

19. 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.

**Conclusion**

20. For the reasons given, I conclude that the appeal should be allowed.

*Helen O'Connor*

Inspector

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<sup>11</sup> Question 19a

<sup>12</sup> Email dated 29 January 2020