Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2025

Appeal Ref: APP/Z3825/W/24/3356862
Brighthams Farm, Bines Road, Partridge Green, West Sussex RH13 8EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr and Mrs J Nash against the decision of Horsham District Council.
- The application Ref is DC/24/0655.
- The development proposed is described as 'Class Q Prior Notification for the change of use of agricultural building to a single dwellinghouse.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made under Article 3(1) and Schedule 2, Part 3, Class Q (Class Q) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO). Under Class Q, planning permission is granted for change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to use as a dwellinghouse within Schedule 1, Class C3 of the Use Classes Order[1]. Class Q also permits building operations reasonably necessary to convert the building to use as a dwelling. In this case, both a change of use and associated building operations are proposed.

Main Issue

3. The main issue is whether the proposed development would constitute permitted development as defined in Class Q of the GPDO, with particular regard to whether the building is capable of being converted, as opposed to rebuilt.

Reasons

4. The appeal site is located on the edge of an agricultural field, to one side of the track leading to the farmyard at Brighthams Farm. There is no dispute that the proposal relates to an agricultural building. The reason for refusal relates to the extent of the necessary building operations and whether that would amount to conversion, as opposed to rebuilding.

5. The building in question is modest four-bay barn with a two-bay lean-to at one end. Structural evidence[2] has been supplied by the appellant, to which I have had regard. As detailed in that evidence, the barn is supported by a series of structural

[1] The Town and Country Planning (Use Classes) Order 1987
[2] Robert Linthorst MEng (Hons), Consultant Structural Engineer: Letter and calculations dated 9 November 2023, updated 25 November 2024, based on site visit dated 11 October 2023

steel columns on pad foundations, topped with lightweight steel roof trusses. The lean-to is timber framed. Both elements are clad in corrugated metal sheeting on the lower walls, with corrugated cement sheeting to the gables and roof. There are also some non-structural timber members to the walls and roof.

6. The structural frame is clearly visible inside the building. Most of the foundation pads are hidden from view, but there is no reason to doubt the description given in the structural evidence. Although the steel elements have a rusted surface, and there is some visible damage to the external cladding, each column appears to be effectively supported by the existing foundations and the structural elements within the barn appear solid. However, there is no internal insulation and no intact floor, with concrete floor panels being visible in only a small proportion of the building and the remainder of the floor having a loose surface, with several holes.

7. While Paragraph Q.1(j) of the GPDO allows for a range of building operations, including replacement roofs, exterior walls and partial demolition, Planning Practice Guidance (PPG) makes clear that the permitted development right granted by Class Q assumes that the agricultural building in question is capable of functioning as a dwelling[3]. The PPG goes on to say 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. 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.

8. The structural evidence states, with supporting calculations, that the roof trusses would be suitable to withstand loading from what is referred to as ‘a lightweight roofing system’. Currently, the roof is a single skin of cement sheeting, with some quite substantial air gaps at the eaves. It is clear from inspection that a higher specification would be needed to meet relevant standards for domestic habitation. The plans confirm that a different roofing material is proposed, and roof insulation is listed among the proposed alterations. However, no cross sections or other details of the replacement roof are provided and the relative weight of the particular roofing system proposed, compared to the existing material, is not detailed. Therefore, it has not been clearly demonstrated whether the necessary roof alterations would fall within the parameters of the ‘lightweight roofing system’ which the structural evidence says the existing structure could support.

9. Likewise, while it is stated that the structural elements could support new timber walls, the plans specify profiled cladding, not timber, externally. They also indicate an additional layer of 150mm thick wall lining internally, separate from the external cladding and inside the vertical columns. This would be significantly more extensive than the limited amount of internal timber boarding which is currently supported by the columns. Furthermore, there is little indication how it would be supported or what effect that may have on the structure, along with the different external material specified.

10. Taking into account the nature of the proposed roof and walls, notwithstanding the structural evidence, there is significant doubt whether the structural frame, which is the only element proposed to be retained, would be capable of supporting the alterations necessary to carry out a conversion to residential use.

[3] Planning Practice Guidance Paragraph: 105 Reference ID: 13-105-20180615

11. A new floor would also be required. While the PPG confirms that a new floor is not prohibited by Class Q, that is in the context of conversion of an existing building. In this case the pad foundations are minimal in extent and only part of the building has an existing floor. Nor has the capacity of the foundations to support a new floor structure, in addition to the new roof and wall cladding, been fully assessed.

12. In light of the above, the conclusion in the structural evidence that the barn can be converted to become a residential dwelling without strengthening is not adequately supported by evidence that the full scope of the necessary alterations, and their effect on the limited retained structure, has been assessed. Therefore, while I accept that the proposed works may be necessary to enable conversion to residential use, when those works are taken fully into account, I am not persuaded that the building is capable of being converted, as opposed to rebuilt.

13. I acknowledge that the appeal building differs from the structure considered in the Hibbitt[4] case. Nevertheless, that case confirmed that the distinction between conversion and rebuilding is relevant to whether Class Q permitted development rights are applicable, and that is reflected in the PPG, as summarised above.

14. In each of the other cases brought to my attention, the Council concluded that the building in question was capable of conversion. That judgement was made based on the specific building in question, supported in some cases by structural evidence. Some of the buildings were clearly of a different form to the building on the appeal site. In other cases that cannot be discerned from the evidence provided. Equally, there is no clear evidence that any were of precisely the same construction. Therefore, the Council's decision to grant prior approval in those other cases does not outweigh the conclusions reached on the facts of this particular case.

15. For the above reasons, the evidence does not establish that the building is capable of being converted, as opposed to rebuilt. Therefore, based on the evidence before me, I conclude that the proposed development would not constitute permitted development as defined in Class Q of the GPDO.

Other Matters

16. The Council did not allege that the proposal was contrary to any of the other requirements in Class Q, but that does not change the conclusion reached above. Having concluded that the proposal would not be permitted development, is it not necessary or appropriate for me to consider whether it would comply with the prior approval matters relevant to Class Q, or what the relevant process would be for considering any likely significant effects on Habitats Sites.

Conclusion

17. For the reasons given above, the appeal should be dismissed.

Jane Smith

INSPECTOR

[4] Hibbitt v SSCLG [2016] EWHC 2853 (Admin)