



Appeal Decision

Site visit made on 3 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/L3245/W/25/3362586

Agricultural Barn, Charity Farm, Burlton SY4 5SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant prior 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 & Mrs Gerry & Rachel Mee against the decision of Shropshire Council.
 - The application Ref is 24/04636/PMBPA.
 - The development proposed is described as “Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form two residential units.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the banner heading above I have used the description of development taken from the Council’s decision notice and the appeal form, given that no description of development was referred to on the original application form.

Background and Main Issues

3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO). Under the transitional arrangements, set out under Article 10, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025. The application confirms that the intention is to use the permitted development right as it stood prior to 21 May 2024. I have therefore dealt with the appeal on this basis.
4. Class Q of Part 3 of Schedule 2 to the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building, is permitted development.
5. The Council refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1.(b)(i)(bb) and (d)(i), as well as paragraph Q.1(i), of the GPDO. These paragraphs relate to the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses; and building operations reasonably necessary for the building to function as a dwellinghouse. Also, whether the siting and

location of the building would result in an impractical and undesirable change of use to dwellinghouses, thereby not meeting the limitations specified under Q.2(e).

6. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.
7. Given the foregoing, the main issues are:
 - whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to: (a) whether the cumulative floor space would exceed 465 square metres; and (b) the extent of building operations proposed and whether they are reasonably necessary for the building to function as dwellinghouses; and
 - if so, whether or not prior approval should be granted in respect of 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).

Reasons

Whether the proposed development would be permitted development

Cumulative floorspace

8. The two dwellings would each have ground floor and first floor accommodation. The first floor would be provided by way of a mezzanine which would be accessed via an internal staircase.
9. There is disagreement between the main parties about whether the 'void' area above the ground floor open plan living, kitchen and dining area should be included in the floorspace calculations for the proposed accommodation or not. If the 'void' areas are included, then the Council calculate that the cumulative floorspace of the two 'larger' dwellinghouses would exceed 465 square metres. If the 'void' areas are not included, then the cumulative floorspace of the proposals would be approximately 384 square metres.
10. The submitted plans show that the proposed mezzanine for each proposed dwelling does not extend over each of the open plan living, kitchen and dining areas at ground floor. As such, the 'void' would be a vast open space. Accordingly, there would be no additional floorspace created by the 'void' and the cumulative floorspace of the proposals would not exceed 465 square metres.
11. For the reasons outlined, the proposals would meet the requirements set out at paragraph Q.1.(b)(i)(bb) and (d)(i) of the GPDO.

Building operations

12. The appeal building is a concrete portal frame building, which is clad externally with fibre cement sheets on the upper elevations, exposed galvanised steel sheets on the lower section, and a profile metal sheet roof. There is an open fronted storage element at one end of the building and a large door in the side gable at the other end.

13. The GPDO 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 dwelling house.
14. The Planning Practice Guidance (the PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a 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 benefit from the permitted development rights.
15. As established by the submitted Structural Report, the building is structurally sound and is capable of conversion by utilising the existing concrete structure, walls and roof. The lower sections of the building would be clad in timber. Windows and doors would also be inserted into the fabric of the building, including the introduction of a large, glazed window feature to infill the open fronted element of the building. The large door opening in the side gable would also be replaced with an expanse of glazing.
16. It is inevitable that internal works would be necessary to convert the building also. In particular, new internal insulated walls would be incorporated into the building and although the appellant has not identified the scale of works necessary, the PPG highlights that internal works are generally not development. Indeed, the PPG recognises that for the building to function as a dwelling it may be appropriate to carry out internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floorspace permitted, or internal walls, which are not prohibited by Class Q.
17. The works to convert the building would be modest and although the proposal introduces a number of new openings into the building, the amount of new windows, doors and skylights, in the context of the size of the building, would be proportionate. The proposed works would also be sympathetic to the appearance of the building and the rural character of the site and wider landscape.
18. Consequently, having regard to paragraph Q.1.(i) of the GPDO, the proposed works would comprise building operations reasonably necessary for the building to function as two dwellinghouses.
19. For the above reasons I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Whether or not the building's location or siting render it impractical or undesirable for the use as dwellinghouses

20. As an arable farm the existing buildings are not in use for housing livestock. However, the location of the appeal scheme, immediately adjacent to buildings in agricultural use, on an active farm, would expose the future occupiers of the proposed dwellings to noise, and odour impacts from agricultural activities. The

¹ Paragraph: 105 Reference ID: 13-105-20180615

activities are likely to take place at any time of the day or night and for 7 days a week. That would remain were I to allow the appeal.

21. The PPG² states that 'impractical or undesirable' are not defined in the regulations, and the local planning authority 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'.
22. The PPG gives the example of a building on top of a hill with no road access, power source or other services is given as an instance where conversion may be considered impractical, and the example of the location of a building adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals is given as an example of a case where conversion may be undesirable. However, these examples are not a closed list of potential impractical and undesirable circumstances.
23. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application. Paragraph 135 of the Framework, amongst other things, states that decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.
24. Even though the majority of the farming operations at Charity Farm are ran from the newly consented grain store, the other farm buildings would generate farm activities. Indeed, the adjacent buildings are a substantial size, and they are used for the storage of large farm vehicles, machinery and equipment, as well as other implements and associated agricultural products.
25. One of the proposed dwellings would have an outlook towards the existing agricultural buildings. The other dwelling would have a partial outlook over the farmyard and both proposed dwellings would have their external areas adjacent to the existing buildings and the access drive to the buildings that runs immediately to the front of the building to be converted.
26. Therefore, although average vehicle movements are currently identified as one daily movement from November to February, increased to two daily movements in March, April, May, June, July, September and October, with three daily movements in August, the proposed dwellings would be exposed to a reasonable level of noise and disturbance on a daily basis. Particularly the noise and vibrations generated by large farm vehicles travelling past the two dwellings. There would also be noise and disturbance from the general activities of an active agricultural use of the site. This could be increased should the use of the adjacent buildings further intensify in the future.
27. Noise and odour impacts are likely to be worsened in warmer summer months when future occupiers would be likely to be reliant upon open windows and spend more time in the associated external areas of the building.
28. Any landscaping, including native species, in the proposed gardens would also be nominal in the context of the size of the external areas. I am also not persuaded

² PPG Paragraph: 109 Reference ID: 13-109-20150305

that boundary treatments would provide suitable mitigation either, due to the proximity of the new dwellinghouses and the outdoor amenity areas with the adjacent buildings and access.

29. Furthermore, the central element of the building would be retained for agricultural storage purposes, with the two dwellings located either side. Not only would this result in an odd arrangement, but for similar reasons to those outlined above, the juxtaposition of the active agricultural use of this part of the building with the two dwellings would be undesirable.
30. The existence of the permitted development right under Class Q brings with it an acceptance that people would be living in buildings on existing farms. As such, some degree of impact from agricultural operations at the site is to be expected. Nonetheless, I am not satisfied, on the evidence before me that the appellant has robustly demonstrated that the existing agricultural operations of the site would not result in harm to the living conditions of future occupants of the appeal scheme.
31. Reference has been made to a neighbouring third-party property known as Sandstone Quart, to the rear of the appeal building. There is no doubt that the proximity of that property is close to the appeal building. However, very limited information has been provided of the circumstances of that case. Also, the main living areas and bedrooms of that neighbouring property do not appear to have a comparable outlook and relationship with agricultural buildings as the proposed dwellings would. In any event, whilst I acknowledge that consistency of decision making is important to ensure public confidence, I am not bound by previous decisions of the Council, and I have exercised my own judgement on the appeal proposal.
32. My attention has also been drawn to the holiday cottages operating at Charity Farm. Even so, the occupation of holiday cottages would be on a short-term basis. Therefore, the occupation of those units is not comparable to independent dwellinghouses whereby the occupiers would be exposed to noise and disturbance on a persistent, daily basis. Given this, the presence of those holiday cottages and the neighbouring property do not therefore lead me to reach a different conclusion on the appeal proposal. I have also had regard to the appeal decision and the other decisions by other Council's, but they have not changed my reasoning here.
33. Drawing my findings together, I conclude that the location and siting of the building makes it impractical and undesirable for the building to change to the proposed dwellinghouses, in terms of its effect on the living conditions of future occupiers. The proposed development would not therefore comply with paragraph Q.2(1)(e) of Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

34. Given that the location of the appeal building makes it impractical and undesirable for residential use, the appeal proposal would not be permitted development. For the reasons given above the appeal should be dismissed.

N Bromley

INSPECTOR