



Planning Statement

P26103 The Meadows East Lound

LEGAL BACKGROUND

1. Class Q (formerly Class MB) was introduced as part of a series of permitted development rights which aimed to simplify the change of use system and promote the provision of new homes in England.
2. The right assumes that an agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building and may include those that would affect the external appearance of the building and would otherwise require planning permission. This includes installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity gas or other services to the extent reasonably necessary for the buildings to function as dwelling houses; and partial demolition to the extent reasonably necessary to carry out these building operations.
3. Internal works are not generally development. For the buildings to function as multiple dwellings, 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.

HIBBITT

4. *Hibbitt* established that a distinction has to be drawn between a conversion (which is permitted by Class Q) and a rebuild (which is not). The judgment did no more than to reiterate the general principle that permission to convert an agricultural building to residential use under the GPDO extends only to the change of use itself together with such building operations as are necessary to bring about that change of use, but it does not authorise operations that amount to rebuilding so as to create what is in effect a new building.
5. The proposal is not comparable in any way with the scheme on which the *Hibbitt* judgment is based. In the *Hibbitt* case the agricultural building was broadly open to three sides and would have been largely stripped back to its frame.
6. Taken from a recent appeal decision (3295913) at Paragraph 7:

“The Council has raised doubts about the suitability of the buildings for conversion, and contends that the extent of the necessary works would result in a rebuild, which would not be permitted by Class Q. In this regard, my attention is drawn to the Hibbitt case, which considered the difference between conversion and rebuilding. However, that case involved a proposal to convert a steel framed barn which was largely open on three sides, and the proposed building works included the construction of all four exterior walls. The appeal proposal, by contrast, involves buildings that are fully enclosed on all sides, and the submitted details specify the retention of the external roof and walls, where possible.”
7. Even where the works to facilitate a conversion are significant, this does not preclude a proposal from falling within the scope of Class Q. From the same appeal at Paragraph 11:

“Consequently, whilst a significant amount of work would be required to render the buildings suitable for residential accommodation, the works would either be permitted by Class Q.1(i) of the GPDO, or would be internal work that would not constitute development. Furthermore, the proposal would not involve any new structural elements, and the existing buildings would remain largely intact. The resultant buildings would not be fundamentally different in their external

appearance. Bearing all of these factors in mind, I find that the works would constitute conversion of the buildings rather than re-building."

8. There are numerous examples which mirror the above. From Paragraph 15 in 3282085, allowed on 26th January 2023:

"Hibbitt v SSCLG [2016] EWHC 2853 concerned the conversion of a barn into a dwelling. No demolition was proposed, and the existing steel frame would be retained in its entirety, as would the roof. The Inspector found that the building would not be capable of functioning as a dwelling without the building works proposed, which included the construction of all four exterior walls and that the works were so extensive as to comprise rebuilding. This is clearly not comparable to the appeal scheme before me, which proposes the retention of significant parts of the existing structure."

9. From Paragraph 12 of 3285998, allowed on 7th October 2022:

"In the Hibbitt case the agricultural building was broadly open to three sides and would have been largely stripped back to its frame. This appears to me to be more extensive than the appeal before me which, as existing, benefits from all 4 walls and a fully enclosed roof. In the current appeal, parts of the existing walls would be retained, and the remaining parts of the walls would be replaced rather than constructed. Additionally, these replacement walls would be of similar weight, to the existing, to ensure the existing foundations would not be subject to any additional loadings."

10. The proposal buildings, by contrast to that in *Hibbitt*, are fully enclosed. The exterior walls would remain largely unaltered. The starting point for the conversion would not, therefore, be a skeletal structure, as in the *Hibbitt* case.



11. The proposal building is in excellent condition and is undeniably suitable for conversion to residential dwellings. All the works required would be fairly typical of the conversion of many agricultural buildings. The majority of the existing buildings' fabric would be retained. The

installation of windows, doors and walls is also proposed to the extent reasonably necessary to enable the conversion and to provide adequate natural light into habitable rooms.

AGRICULTURAL USE

12. A proposal under Class Q of Part 3 of Schedule 2 of the GPDO must relate to the change of use of an agricultural building (or former agricultural building) to a dwellinghouse (Class C3), together with only those works reasonably necessary to facilitate that conversion.
13. In this case, the Council's Environmental Protection consultation response dated 19 September 2024 (ref. PA/2024/921) confirmed that the site comprises two barns, within a rural setting surrounded by agricultural fields. It also confirms that a Phase 1 Desk Study (August 2019) identifies the barns as being present on mapping from circa 1999, with no significant changes noted to the present day.
14. The lawful use of the building is agricultural, with the former livestock operation having been established from circa the mid-1980s. Whilst the agricultural enterprise wound down around the mid-2000s, the building has remained in lawful agricultural use thereafter, primarily for the storage of agricultural machinery and paraphernalia associated with the former holding. The building has therefore been largely redundant in operational terms, but has not been used to any material extent for any non-agricultural purpose.
15. Accordingly, the building is considered to meet the definition of an agricultural building for the purposes of Part 3, and the site is considered to have formed part of an established agricultural unit for the relevant qualifying period.

TRANSPORT AND HIGHWAYS

16. There is a suitable existing access to the public highway as shown in the above image.