

Class Q Planning Statement

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

Project:	Conversion of existing barn to two dwellings
Client:	Mr Jason Strickland
Site Address:	Lifely Farm, 10 Orchard Close, West Ashton, Trowbridge, BA14 6AU
Issue and Revision Record:	Version 1 (23/10/2025)
Local Authority:	Wiltshire Council
Highways Authority	Wiltshire Council
Planning Portal Application Ref:	PP-14306375
MDP Reference:	JS02

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1. Introduction & Background

- 1.1 In April 2014 the Government introduced a new form of automatic planning permission, subject to certain limitations and conditions, to change the use of agricultural buildings to a Class C3 dwellinghouse use. The consent route was enacted under the Town and Country Planning (General Permitted Development Amendment and Consequential Provisions) (England) Order 2014, Statutory Instrument 2014 No 564. This is commonly known as a 'prior approval' application.
- 1.2 This application is made under Schedule 2, Part 3, Class Q to the GPDO. A prior approval application under Part 3 is not a planning application, and is not therefore governed by the provisions of sections 62 and 65 in the 1990 Act or by any of the other provisions in Part III of the Act relating to the submission and determination of planning applications, (other than section 69, in respect of the registration of prior approval applications, where required); nor is it governed by any of the provisions of the Development Management Procedure Order 2015.
- 1.3 The planning permission is instead granted by Article 3 of the GPDO, which is the type of permission identified by section 58(1)(a) of the 1990 Act (a planning permission granted by a development order), as distinct from the type of planning permission identified by section 58(1)(b) (a planning permission granted by the local planning authority on application to the authority in accordance with a development order).
- 1.4 Section 4(1) of the Growth and Infrastructure Act 2013 inserted subsection 60(2A) into Part III of the 1990 Act to supplement the provisions relating to permission granted by a development order. Section 152(1) of the Housing and Planning Act 2016 has also inserted subsection 60(1A) into that Act to further supplement these powers (referring to the prior approval of any matters relating to permitted development for building operations, or to the use of the land in question following those operations). These provisions set out the statutory basis for the prior approval procedure in relation to permitted changes of use. But, apart from prescribing the provisions that may be made in a development order in this regard, section 60 of the 1990 Act is purely an enabling section which does not contain any substantive provisions regarding the submission and determination of prior approval applications. These are left entirely to be dealt with by the GPDO itself.
- 1.5 Paragraph W in Part 3 of the Second Schedule to the GPDO sets out the requirements for a prior approval application under those Classes of development within Part 3 to which it applies (such as Class Q), and the manner in which such an application is to be processed by the LPA. The provisions of paragraph W (as supplemented by certain definitions in paragraph X of Part 3) therefore represent the entire body of procedural rules that applies to these applications.



1.6 The purpose of this statement is to review the proposals against said legislation.

2. The Prior Notification Process and Permitted Development Rights – Class Q

Prior Approval Requirements

2.1 The development permitted by Schedule 2, Part 3, Class Q to the GPDO is conditional upon the submission of an application to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to various matters that are specified in respect of each of those Classes of development. These matters vary as between one Class and another.

2.2 The effect of this requirement is that these Classes of permitted development can proceed only if the local planning authority determines that their prior approval will not be required, or if they give their approval in respect of the matters that they are required to consider. They are subject, in effect, to the grant of a different type of consent, which requires less formality in its submission and processing than a planning application made under Part III of the 1990 Act

2.3 This process is intended to be a lighter form of development management, but one which still allows local planning authorities to determine, within strictly defined parameters, whether the proposed change of use should be allowed to take place or not.

2.4 Notwithstanding that this is the effect of the regime, it should be clearly understood that this consent ('prior approval') is not a planning permission. The necessary planning permission has already been granted by Article 3(1) of the GPDO, under powers conferred on the Secretary of State by section 59 of the 1990 Act. The application for prior approval in respect of certain specified matters is simply a requirement in a condition attached to that planning permission.

2.5 That said, work cannot simply begin under Class Q. The developer must apply to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA is required for one or more of these seven reasons:

(a) transport and highway impacts;

(b) noise impacts;

(c) contamination risks on the site;

(d) flooding risks on the site;

e) whether the location or siting makes it otherwise impractical or undesirable for C3;



(f) the design or external appearance of the building; and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse.

National Planning Policy (the Framework) and the Development Plan

- 2.6 Part 3 of the GPDO does not refer to the Framework, which is not relevant for this application. In any event, the PPG is clear that reference should be made to national policy national policy only as far as it is relevant to the development and prior approval matters. The Framework and indeed development plan policies cannot be applied so as to frustrate the purpose of the grant of permitted development rights.
- 2.7 This application should not be determined on the basis of S38(6) of the Planning and Compulsory Purchase Act 2004. The development plan is not automatically applied. Indeed, the Court was clear in *R (oao Patel) v SSCLG & Johal & Wandsworth BC [2016] EWHC 3354 (Admin)*, that the legislative provisions at S70 of The Town and Country Planning Act 1990, concerning the determinations of applications, does not apply to an application for prior approval.

Conditions and Limitations of a Class

- 2.8 In *Keenan v Woking BC & SSCLG [2017] EWCA Civ 438* it was found that the provisions of the prior approval matters to a Class under the GPDO do not embody a grant of planning permission under that Class. Development is permitted through the operation of Article 3(1). For the development to be permitted under Article 3(1), it must come fully within the description of development permitted in the relevant Part and Class.
- 2.9 Indeed, following this, the Court found in *New World Payphones Ltd v Westminster City Council [2019] EWCA Civ 2250* that 'on an application to an authority for a determination as to whether its "prior approval" is required, the authority is bound to consider and determine whether the development otherwise falls within the definitional scope of the particular class of permitted development'.
- 2.10 Essentially, this decision, which was applied in *R (oao Smolas) v Herefordshire Council [2021] EWHC 1663 (Admin)*, shows that the decision maker must determine whether the proposal complies with the applicable conditions, limitations and restrictions of the relevant Class, rather than simply the matters to which prior approval relates. Paragraph W to Schedule 2, Part 3 of the GPDO is also clear that prior approval may be refused where the proposal does not comply with the conditions, limitations or restrictions specified that are applicable.



Agricultural Unit and Building

- 2.11 Schedule 2, Part 3, paragraph X of the GPDO sets out that an ‘established agricultural unit’ for the purpose of Class Q means agricultural land occupied as a unit for the purposes of agriculture, on or before 20 March 2013 or for 10 years before the date the development begins.
- 2.12 Furthermore, ‘agricultural building’ means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business, and ‘agricultural use’ refers to such uses.
- 2.13 ‘Agriculture’ as defined in Section 336, paragraph (1) of the Town and Country Planning Act 1990 (as amended), amongst other things, includes the breeding and keeping of livestock (including any creature kept for the production of food).

Reasonably Necessary

- 2.14 The nature and extent of works must be assessed to inform a conclusion as to whether they would fall within the permitted development rights set out in Class Q. The operations should be ‘reasonably necessary’ to facilitate the permitted change of use and comply with the relevant limitations and conditions.
- 2.15 It has been held by the Courts (*Street v Essex CC [1965] 193 E.G. 537; Larkin v Basildon DC [1980] JPL 407*) that there is a difference between ‘maintenance’ and rebuilding. If the operations would amount to rebuilding, then planning permission will be required but not granted under Class Q. It was held in *Hibbitt v SSCLG [2016] EWHC 2853* that the building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.
- 2.16 That said, paragraph ref. ID: 13-105-20180615 to the PPG is clear that the right permitting building operations which are reasonably necessary to convert the building 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.

- 2.17 Furthermore, in considering whether operations would be permitted under Class Q, the GPDO 2015 makes no distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. The operations also do not need to be demonstrably essential in order to be found 'reasonably necessary'. Even if other courses of action would be open to the developer, the question for the decision maker is whether the course proposed is one that a reasonable person would choose.

3. The Proposal

- 3.1 This application is for the conversion of an existing barn into two dwellings. The barn is a five bay portal framed structure with masonry external wall elevations to the eaves level. The roof slopes are overlaid with corrugated concrete sheeting supported on timber purlins. The timber purlins are supported on the steel portal frames. All elements are bolted together. The gable elevations are solid masonry walls with corrugated sheeting above the masonry walls to roof level. Access to the building is gained through a large door opening on each gable.
- 3.2 Internally, the floor area is overlaid with a concrete slab sloping slightly to the door openings. External walls are constructed on a concrete strip foundation and steel stanchions are cast within the concrete strip foundation below ground level. Stability for the structure is provided by diagonal steel CHS beams in one bay of the building and the external wall elevations built into the web of the portal stanchions.
- 3.3 The barn is used for the storage of agricultural machinery and other paraphernalia. It is around 23m in length, 6.3m in height and around 12m in width. To assist the reader, images of the barn are provided at the Figures below. Additional images are provided within the Structural Report that supports this application.





Figure 1: Principal elevation of application barn.



Figure 2: Gable end and side elevation of application barn.



Figure 3: Internal view of application barn.

3.4 In terms of constraints, the site does not fall within a National Landscape, a conservation area, the setting of a listed building or the Green Belt.

4. Assessment

General Restrictions

4.1 This proposal is considered permitted development subject to the following limitations and conditions.

Q.1. Development is not permitted by Class Q if -

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins.

The site was part of an established agricultural unit on 24 July 2023.



(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose.

N/A

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres.

The units that would be formed would both have a floor area below 150sq.m.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres.

The total amount of dwellings formed under Class Q would be two. The cumulative residential floor area would not exceed 1,000sq.m.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

The site is not occupied by an agricultural tenant.

(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,

An agricultural tenancy has not been terminated within 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 during the period which is 10 years before the date development under Class Q begins.

Development under Class A(a) or Class B(a) of Part 6 to Schedule 2, Part 3 of the GPDO has not been carried out on the agricultural unit in the last 10 years.

(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, other than—

- (i) extension of the building allowed by paragraph Q.1(i);
- (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i).

No extensions are necessary and there would be no other protrusions beyond 0.2 metres.

(i) the development under Class Q(b) would result in an extension that—

- (i) has more than one storey,

No extension is proposed.

- (ii) is sited anywhere other than to the rear of the existing building,

No extension is proposed.

- (iii) extends beyond the rear wall of the existing building by more than 4 metres,

No extension is proposed.

- (iv) has eaves the height of which exceed the height of the eaves of the existing building,

No extension is proposed.

- (v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or



(bb) a height of 4 metres above the ground,

No extension is proposed.

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

No extension is proposed.

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins.

No extension is proposed.

(j) the development under Class Q(c) 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(j)(i).

The applicant has provided a Structural Report (SR). This confirms that the structure is in very good condition with no major structural defects observed.

Overall, the SR concludes that the building can be converted to residential use to comply with Building Regulations without any changes to the height or plan area. All works listed to facilitate this are commonplace with a barn conversion.

Structural calculations showing actual and allowable loading for the existing structure are presented in Appendix B to the SR to confirm this assertion.



Furthermore, the proposal would include only a limited number of doors and windows. There would not be an excessive amount of void space created on elevations and the roofscape would not be unduly perforated by rooflights. Overall, the windows and doors installed would be the minimum amount necessary and would not result in an overly domestic appearance.

In terms of the replacement of fabric, paragraph ref. ID: 13-105-20180615 to the PPG is clear that building operations which are reasonably necessary to convert the building may include the installation or replacement of roofs and exterior walls, as well as new fenestration. It is therefore the Government's own advice that such works fall under the scope of 'reasonably necessary' and are permitted by the provisions of Class Q. It would be an exceptionally rare occurrence to find a barn that would not need such works to facilitate use as a dwellinghouse. To object on these grounds would therefore render the Class superfluous and undermine and frustrate the Government's intentions of facilitating new housing through the provisions of the permitted development regulations.

It follows all of the above that the works proposed would not be tantamount to 're-building'. The building is structurally sound and capable of conversion to a dwellinghouse with minimal works, as confirmed by the SR, and all of the development falls within the scope of what is 'reasonably necessary' to facilitate this.

(k) the site is on article 2(3) land.

The site does not fall on article 2(3) land.

(l) 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 does not form part of any of these land designations.

(m) the site is, or contains, a scheduled monument.

The site does not contain a scheduled monument.

(n) the building is a listed building,

The building is not listed.



(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it.

The proposed dwellings would exceed the nationally described space standards.

(p) the building does not have suitable existing access to a public highway.

The proposed dwellings would have suitable access to the carriageway by virtue of the existing access.

- 4.2 It follows that the proposed conversion meets the criteria of Q.1. (a) – (p) to Schedule 2, Part 3, Class Q of the GPDO. There are no technical restrictions to the conversion of the building. An assessment against prior approval matters is now required.

Prior Approval Considerations

- 4.3 The prior approval matters (conditions Q.2 (1) (a) – (g)) are considered below.

Transport and Highway Impacts

- 4.4 The converted building would be accessed via the same route as currently exists. No new access is required. Vehicles could therefore safely exit the site in a forward gear and there is no risk of vehicles having to reverse back out onto the carriageway. Furthermore, sufficient visibility splays exist at the bellmouth to the existing access and the use of this access would not be unduly intensified compared to a lawful agricultural use.
- 4.5 Consequently, the site's access would not prejudice either vehicular or pedestrian safety. Moreover, limited vehicular trips to and from the site could be safely accommodated onto this relatively quiet section of carriageway.
- 4.6 Turning to parking provision, the scheme shows that ample off-road parking spaces would be provided at each dwelling. This is considered suitable off-street parking for units of the size created.
- 4.7 Overall, transport and highways impacts would be acceptable.

Noise Impacts

- 4.8 While relatively close to some residential development, the proposal would be for low level residential purposes that would not result in any noisy activities. Particularly when compared to the



lawful agricultural use (which could result in the operation of large machinery to and from the barn), there would therefore be no harmful noise and disturbance to existing residents during conversion (which would not occur over a sustained period of time) or occupation. Indeed, there would be a betterment in this regard. Turning to future occupants, the dwellings would be positioned away from site boundaries and would not be close to any particularly noisy activity.

4.9 Overall, noise impacts of the development would be acceptable.

Contamination Risks on the Site

4.10 The barn has been used as an ancillary agricultural machinery, tool and other paraphernalia store. The building was not, and is not, known to have been used for any agro-chemical storage. There is no known radon, asbestos or other contamination risk on the site.

4.11 Overall, contamination risks on site are considered acceptable. However, should the Council present concern in this regard, it would be possible for it to impose a condition ensuring that any unexpected contamination is promptly reported and remediated in agreement with the LPA. This would fall within the scope of this prior approval application as it relates to one of the prior approval matters.

Flooding Risks on the Site

4.12 There is no flooding risk on the site, which is wholly out of Flood Zones 2 or 3 as shown below.



Figure 4: Site shown in Flood Zone 1. (Source: EA Flood Map for Planning 2025).

4.13 Overall, flooding risks on the site would be acceptable.

Whether the Location or Siting of the Building Makes it Impractical or Undesirable for the Building to Change from Agricultural Use to a dwellinghouses.

- 4.14 Given initial confusion surrounding this particular prior approval matter, the Government amended paragraph 108 of their online Planning Practice Guidance on 5 March 2015. This was to explain their view as to how these permitted development rights are intended to operate, and to address in particular the issue as to whether the “sustainability” of the proposed development is intended to be a material consideration in determining an application for prior approval in respect of the proposed change to residential use. The revised ministerial guidance makes it clear that the permitted development right does not apply a test in relation to sustainability of location.
- 4.15 Indeed, to apply the policies of the Framework to the Class Q prior approval process with the same rigour in respect of accessibility of residential development as would be applied to an application for planning permission for residential use would have the potential to frustrate the purpose of the introduction of the class, namely to increase the supply of housing through the conversion of agricultural buildings which by definition will very frequently be in the open countryside. Thus, while accessibility is not an irrelevant consideration, the bar in relation to the test of unacceptable inaccessibility will necessarily be set significantly higher than it would in the context of an application for planning permission.
- 4.16 Overall, Class Q needs to be seen as part of a wider and more positive approach in considering appropriate opportunities, such as the re-use of rural buildings, to meet housing need in rural areas. This is reflected in paragraph 109 of the PPG as follows: *“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.”*
- 4.17 The revised practice guidance goes on in paragraph 109 to explain what is meant by “impractical or undesirable” for a change to be made to the new use. Impractical or undesirable are not defined in the Order, and the LPA should apply a reasonable ordinary dictionary meaning in making any judgement. The word “impractical” indicates that the location and siting would “not be sensible or realistic”, and the word “undesirable” suggests that it would be “harmful or objectionable”. The application of these terms simply requires planning judgements, as highlighted in *East Herts DC v SSCLG [2017] EWHC 465 (Admin)*.
- 4.18 The conversion would not be in an inaccessible location in relation to utilities. Given the flat topography and the adjacent residential development, power and water could be provided. As stated, there are no neighbouring farming or other activities that would cause unacceptable levels of



noise and disturbance to future occupations. Larger agricultural machinery would operate some distance away from the dwelling should any agricultural use re-commence and, should nearby land use be altered to accommodate animals rather than crops, these would be kept well away from the site. Odour would not be an issue. Furthermore, no new access would be required and access to and from the site would be readily available.

- 4.19 Overall, the proposed change of use would not be impractical or undesirable within the meaning of the GPDO.

Design and External Appearance

- 4.20 To facilitate conversion only a limited number of new openings would be required. These would be formed of small windows and sets of doors. The roofscape would not be unduly perforated by rooflights. Consequently, the proposal would not result in a building that appeared incongruously domestic. Rather, it would be simple in design and its linear form would be typical of a rural building. Additionally, the conversion would result in an upgrade of external material condition and the removal of poorer quality elements of the building. Overall, there would be a notable enhancement of the site's aesthetics.
- 4.21 It follows that the alterations proposed are the minimal amount required. The design and external appearance of the converted building would be acceptable.

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouse.

- 4.22 Although fenestration is limited, all habitable rooms would benefit from openings to provide natural light. This would be supplemented by light from the rooflights. As such, the internal accommodation would not be dependent on artificial lighting and sufficient daylight would enter the property.

5.0 Conclusion

- 5.1 Taking all of the above into account, the proposal would not contravene any of the conditions, restrictions or limitations set out at Q.1. (a) – (p) to Schedule 2, Part 3, Class Q of the GPDO. Furthermore, there would be no reason to object to this proposal with regard to any of the prior approval matters set out at conditions Q.2 (1) (a) – (g) of Schedule 2, Part 3, Class Q of the GPDO.
- 5.2 It follows that, while prior approval is likely required, it should be given and the proposal would accord with the provisions of Class Q to Schedule 2, Part 3, Class Q of the GPDO as a whole. It is therefore respectfully requested that consent be given under this mechanism.



5.3 It is considered that the LPA have sufficient detail to avoid the submission of further information.
Nevertheless, please get in touch if you require an accompanied site visit or any further detail.

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Appendix 1 – Additional Images

Side / Front of barn



Image of access track

