

APPEAL STATEMENT

INTRODUCTION

1.1 This appeal statement addresses the refusal of prior approval application DET/2024/0048, for the conversion of an agricultural building to two dwellings, under Class Q of the General Permitted Development Order 2015 (as amended) (GPDO). The Council's refusal is based on the assertion that the floorspace proposed would exceed the allowance stipulated in the legislation, and also that the proposed building has an unacceptable design. However, the appellant counters this for the following reasons:

- The Council has misinterpreted the legislation.
- The proposal would have an acceptable and cohesive visual appearance which retains the agrarian character.

1.2 This appeal also includes an application for Costs, as it is considered that the Council have acted unreasonably resulting in unnecessary and wasted expense.

APPLICATION OF CLASS Q LEGISLATION

2.1 Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, underwent revisions on 30th April 2024, with these amendments taking effect on 21st May 2024. These revisions, commonly referred to as the 'new rules,' have been correctly identified by the Local Planning Authority (LPA).

2.2 However, a transitional period, as stipulated in Part 10 of Statutory Instrument 2024 No. 579 (Appendix A), permits applications to be considered under the pre-amendment ('old') rules until 20th May 2025.

2.3 On the application form for DET/2024/0048, the appellant was given the option to select whether the proposal was to be determined under pre-May 2024 or post-May 2024 legislation. The selection was made for pre-May 2024 legislation, as shown in the image below.

Eligibility

Permitted development rights are subject to conditions set by legislation to ensure that only appropriate proposals are eligible. The need to apply to the Local Planning Authority to see if prior approval is required is one such condition.

This permitted development right was amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the building, and to increase the total number of dwellings from 5 to 10.

However, the right was also updated to:

- No longer permit the creation of any dwelling with a floorspace over 150 square metres (previously, 'larger' dwellings could be up to 465 square metres)
- Remove the eligibility of any building that does not have suitable existing access to a public highway (previously, this was not an eligibility requirement)

Proposals that do not meet the above criteria are temporarily allowed to use the previous version of the permitted development right, though this will mean you are not able to benefit from any of the amendments made.

Select the checkbox below if you wish to use the previous version. Otherwise you should continue through this application, which is based on the current legislation as amended.

- ☒ **I/We confirm that this application will use the permitted development right as it stood prior to 21 May 2024.** In confirming this, I/we understand that:
- The application must be received by the local authority by 20 May 2025 (the payment process on Planning Portal must be completed before the application will be submitted).
 - The [supplementary information template](#) covering the pre-21 May 2024 eligibility criteria and information requirements must be downloaded, completed and attached as a supporting document.
 - Failure to do either of the above could result in application being refused without the fee being refunded.

Figure 1: Application form - DET/2024/0048

2.4 The Council was therefore obligated to assess the application under the correct legislative framework. However this was not carried out, as the planning officer in their Delegated Report (Appendix B), stated,

***“The legislation under Part 3 Class Q has changed since the previous application was submitted (in 2022) which a new version of the legislation published in May 2024. Such changes include that any dwelling created under Class Q shall not exceed a floorspace of 150 sq.m (Class Q1(c)). Whereas the previous application met the tests in Class Q.1 as set out in the legislation at the time, this new amended scheme therefore fails to pass Class Q.1. The proposal is therefore not deemed to be permitted development under the GPDO and therefore a full planning application is required for the revised proposal.*”**

2.5 This statement is fundamentally incorrect and shows a clear procedural error by the Council. The proposal comprises two dwellings, both of which fall within the permitted floorspace limits. However, the Council did not engage with the applicant during the course of the application to raise any concerns in this regard. This has resulted in an unjustified and erroneous reason for refusal. Reason 1 of the Decision Notice for DET/2024/0048 (Appendix C) states:

***“The proposed dwellings, by virtue of the floorspace of each unit exceeding 150 sq.m, would not comply with Part 3 Class Q.1 criterion (c) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposed development cannot therefore be*”**

undertaken under permitted development in accordance with Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). ”

DESIGN AND APPEARANCE

3.1 The second reason for refusal related to the design and external appearance of the building, under the prior approval test Q.2. (1)(f).

3.2 The planning officer stated in their delegated report,

“As the proposal does not meet the criteria for a barn conversion under permitted development, as set out in Class Q.1, the tests as set out in Class Q.2, where matters such as highway impacts, design and appearance, noise and flooding are determined, are irrelevant. ”

3.3 It has been established above that this point is incorrect, and that all matters of Q.2 are indeed relevant.

3.4 The officer stated in their delegated report,

“However, if the proposal had passed Q.1, I consider that the design and appearance of the development, would still remain unacceptable and would not overcome the reason for refusing the previous application for five units. This is despite the significant reduction in the scale of the building. The poor quality and functional but oblique form and shape remain and the proposed changes do not significantly improve the overall appearance of the building. It would still appear out of keeping with the area, alien to it and also harming its character and appearance.”

3.5 The officer has noted the significant reduction in the number of units from five units proposed under application DET/2022/0027, to two units under this appealed application. However, they then go on to state, ***“The poor quality and functional but oblique form and shape remain and the proposed changes do not significantly improve the overall appearance of the building. It would still appear out of keeping with the area, alien to it and also harming its character and appearance”***. A response to each of these three points, raised in these two sentences, is presented below.

1. “Poor quality and functional but oblique form and shape”

3.6 Class Q places no requirement upon the quality or form of the agricultural building to be converted. The Officer has not provided any justification or reasoning to support the assertion that the building is of ***“poor quality”***. This appears to be a generic and unsubstantiated comment. The building's form is consistent with that of typical agricultural structures.

3.7 The existing building, constructed with concrete panels, corrugated metal cladding, and a pitched roof, is not uncharacteristic of steel portal frame agricultural buildings commonly found in rural areas. The proposed structure is symmetrical and does not exhibit an ***“oblique”*** form. Furthermore, describing the building as ***“functional”*** is not inherently a criticism, particularly in the context of agricultural buildings, where function is often a key design driver. The terminology used by the officer appears muddled and lacks clarity.

2. “The proposed changes do not significantly improve the overall appearance of the building”

3.8 This assertion is strongly contested.

3.9 The overall scale of the building has been substantially reduced from 830sqm to 455 sqm, representing a 45% reduction in floor area. This directly addresses any previous concerns regarding the building’s scale and visual impact, where the officer stated in their delegated report for the previous application (DET/2022/0027) (Appendix D), ***“With regard to the design or external appearance of the building, the building is a large and bulky modern storage building with corrugated metal sheeting and concrete blockwork.”***

3.10 The proposed scheme introduces new timber-clad walls, the addition of windows and doors, and the incorporation of roof lights. These changes would clearly enhance the building’s visual quality. A comparison of the existing and proposed elevations is provided below:

Existing –

Elevations include open voids, deteriorated and outdated materials, and inconsistent finishes.

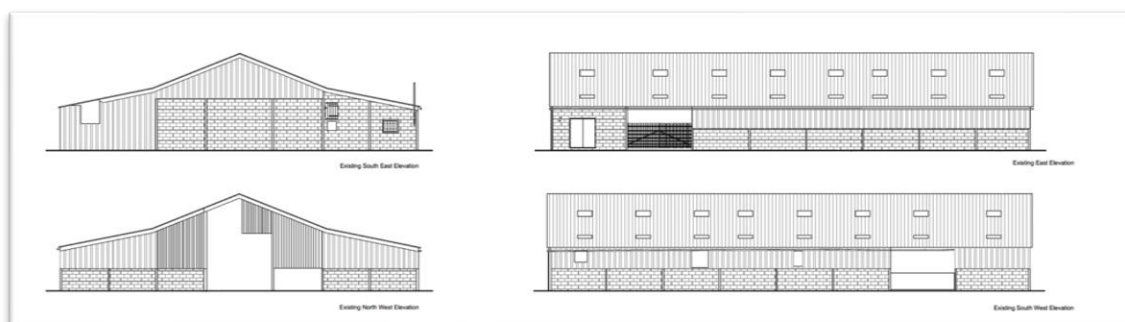


Figure 2: Existing elevations

Proposed –

Elevations show a coherent and high-quality finish, with the timber cladding and fenestration respecting the rural character and sense of place.

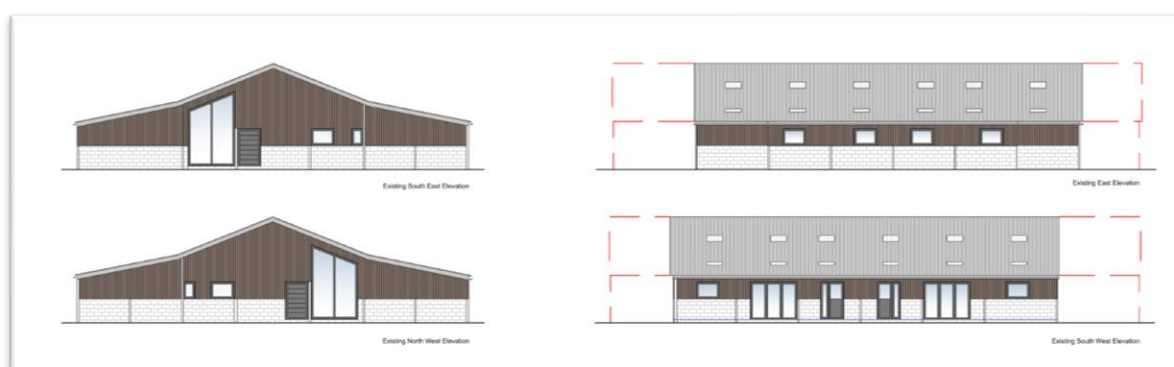


Figure 3: Proposed elevations

3.11 Additional points of comparison include:

- The replacement of industrial-style cladding with natural timber improves visual integration with the surrounding countryside.
- Introduction of windows and doors of varying scale and shapes provides articulation and visual interest.
- Damaged and mismatched existing materials will be replaced with a uniform and considered palette of materials that would typically be found on rural buildings.

3.12 The Officer's delegated report for the previous application (DET/2022/0027), (Appendix D), states:

“Although such buildings are not uncommon in rural areas, the building does not have any design merit and is considered to be a purely functional appearance which does not contribute positively to the traditional rural character and appearance of the area... The building is considered to currently have a poor design and appearance unsuited for a dwelling. ”

3.13 Given this previous assessment, it follows that the proposed works aimed specifically at addressing these concerns would contribute positively to the rural character and appearance of the area. To now argue that the proposed changes would not improve the existing situation appears illogical and unreasonable.

3.14 Further points on design and appearance are covered in more detail in the planning statement submitted with application DET/2024/0048, specifically at paragraphs 5.21 – 5.32, supported by illustrative images (Appendix E).

3.15 Additionally, it is noted that the Officer appears to have gone beyond the legislative scope of **Q.2.(1)(f)** of the legislation, which limits consideration to **“the design or external appearance of the building”**. There is no legislative requirement for the changes to **“significantly improve”** the appearance, this wording imposes an arbitrary and higher test not supported by policy.

3.16 The Planning Practice Guidance describes the prior approval process as ‘light touch’. Consequently, prior approval proposals are not subject to the same rigours as a planning application.

The PPG guidance states:

“The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process.”

“It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.”

(Paragraph: 028 Reference ID: 13-028-20140306)

3.17 The council is respectfully reminded that this is not a full planning application, and such strict and disproportionate assessments are inconsistent with prior approval legislation.

3.18 Although not submitted with DET/2024/0048, the applicant previously commissioned an independent Design Statement (Appendix F) submitted with DET/2022/0027. The findings of that report remain applicable to the current appeal. In particular, the conclusions at paragraphs 4.0 – 4.10 are of critical relevance, due to the comparable nature of the two schemes.

3.19 Moreover, Computer Generated Images (CGIs) produced for the proposed building under the previous application DET/2022/0027 (Appendix G), and sent to the council by email on 20th September 2022, provide a clear and visual demonstration of the improvements, whilst retaining an agrarian aesthetic. These images underscore the considerable visual betterment that would result from the scheme. While new CGIs were not submitted with DET/2024/0048, the design approach and associated visual improvements are directly comparable and remain highly relevant in principle, due to the similar nature of the two schemes.

3.20 The application building, as shown in the photographs below, is clearly a functional agricultural building that has evolved over time through practical adaptations and repairs, using a variety of materials to ensure its continued usefulness.



Figure 4: Existing building



Figure 5: Existing building

3.21 There can be no doubt it is looking a little tired but the building is structurally sound.

3.22 The CGIs (two example images below) present an improved building, featuring clean lines, a coherent material palette (including natural timber cladding), and high-quality fenestration.



Figure 6: CGI for previous application DET/2022/0027



Figure 7: CGI for previous application DET/2022/0027

3.23 These design improvements are not insignificant; they amount to a clear and measurable betterment of the site's visual character. Importantly, the CGI also illustrates a well-ordered curtilage area, free from visual clutter, overgrown undergrowth and agricultural implements, thereby contributing positively to the overall rural setting.

3.24 **Although new CGIs were not submitted with DET/2024/0048, the fundamental design approach, materials, and scope of improvements remain consistent. Therefore, the principle of betterment established by the CGIs is still entirely applicable and should be taken into account in evaluating the current scheme. (author emphasis)**

3. "It would still appear out of keeping with the area, alien to it and also harming its character and appearance"

3.25 The officer's assertion that the building would continue to '**appear out of keeping**' or is '**alien**' to the area, is both inaccurate and unsubstantiated when assessed in the context of the site and its surroundings.

3.26 The building forms part of an established farmstead and is characteristic of rural agricultural development. It is a long-standing structure that has served agricultural purposes and aligns with the rural vernacular in terms of siting and scale. Agricultural buildings of this style and materiality are commonplace throughout the countryside.

3.27 Furthermore, the application building is part of a group of existing buildings and lies directly opposite a residential dwelling to the south. The proposal respects this pattern of development and integrates with the broader rural character.

3.28 It is considered that the application building sits comfortably within the existing built context. The surrounding landscape is already shaped by a mix of agricultural and domestic influences, and it is not credible to describe the building as either alien or harmful in this context.

3.29 Additionally, it is important to recognise that the proposal actively seeks to reduce the scale of the building, improve its materials, and enhance its aesthetic appearance, which directly contributes to the character of the area, rather than detracting from it ; therefore, the proposed scheme would result in a material enhancement.

Relevant Appeal Decisions – 3289709 and 3294914 (Appendix H)

3.30 Directly comparable schemes within the Staffordshire Moorlands area were recently allowed on appeal at Willowshaw Farm, Cloudside, Congleton (Refs: APP/B3438/W/21/3289709 and APP/B3438/W/22/3294914). A copy of these appeal decisions was emailed to the planning officer on 31 January 2023 under the previous application DET/2022/0027; however, they were not mentioned in the officer's delegated report for that application.

3.31 While the Willowshaw decision was cited in support of the previous application (DET/2022/0027) rather than this current appeal scheme, the Council was clearly made aware of its relevance and content at that time. **Despite this, the design reason for refusal in the current application essentially repeats the same criticisms, without addressing the precedent appeals or explaining any meaningful distinction between the two cases.**

3.32 The Inspector allowed two Class Q schemes for the conversion of large, modern, utilitarian agricultural buildings. The Inspector found that ***“the buildings are of an unremarkable, functional and utilitarian design and appearance that is not uncommon on farms and in the countryside today”*** (paragraph 13). Despite their prominence and the Council's claim that the external materials were ***“shabby”*** the Inspector held that ***“retention of the existing external cladding materials... would ensure the buildings retain their agricultural external appearance in this rural location, even if they are not the loveliest of buildings to start with.”*** (paragraph 14).

3.33 Importantly, the Inspector rejected the notion that Class Q proposals must significantly elevate the building's design, confirming that ***“Class Q applies to all types, styles and designs of agricultural buildings. It does not require the subject building to have any particular design or aesthetic merit before it can be considered suitable for conversion”*** (paragraph 20). The Inspector also confirmed that ***“the proposed changes would see a smartening up of the buildings that would not harm the character and appearance of the area”*** (paragraph 17), despite the scale of the buildings involved.

3.34 The Inspector recognised the ***“light-touch”*** nature of Class Q assessments, stating that ***“prior approval proposals are not subject to the same rigours as a planning application”*** (paragraph 20) and that size or bulk is not determinative where the proposals otherwise meet the Class Q limitations: ***“their size... fall within the thresholds permitted under Class Q... Therefore, being large is not a determinative factor”*** (paragraph 21).

3.35 This reasoning is directly applicable to the current case. The Council has refused the current application on similar grounds, describing the building as **“poor quality”**, **“functional”** and claiming it would still appear **“alien”**, yet these are precisely the types of concerns rejected by the Inspector at Willowshaw. The same logic should apply here: the proposed works to reduce the scale and visually enhance the building at Big Shaffalong clearly meet the light-touch design test under **Q.2(1)(f)**, particularly in a rural context where such functional buildings are entirely commonplace.

Conclusion on Design and External Appearance

3.36 The Officer’s entire assessment on design which constitutes the second reason for refusal was limited to the two sentences as quoted above. This minimal analysis lacks depth and appears to fall short of a thorough or reasoned evaluation. Given that the application was a resubmission specifically intended to overcome previous design concerns, it is disappointing that such a limited and arguably dismissive assessment was carried out. It is considered that the officer has acted unreasonably in this instance, having failed to undertake a proper, balanced, and objective assessment of the revised proposal and considering all material considerations

3.37 The proposed conversion represents a clear and tangible improvement over the existing building in terms of scale, materials, and overall aesthetic quality. The reduction in floorspace, introduction of high-quality natural materials, and considered fenestration all serve to enhance the rural character of the site. Assertions by the Council that the design remains unacceptable are not only unsubstantiated but also fail to acknowledge the significant and intentional efforts made to address previous concerns. The use of timber cladding, removal of outdated materials, and general tidying of the site and curtilage will result in an uplift to both the appearance of the building and its wider setting. Crucially, the legislative test under Q.2.(1)(f) does not require “significant improvement,” only that the design and external appearance are acceptable, a standard that the current proposal clearly meets. The Council’s limited and dismissive design commentary does not withstand scrutiny, and the conclusion that the design is objectionable is unjustified.

3.38 This approach aligns with the Inspector’s reasoning in the Willowshaw Farm appeal, where similarly utilitarian and weathered agricultural buildings were found acceptable for residential conversion. The Inspector concluded that Class Q does not require design merit and accepted glazing and timber cladding as sufficient enhancement without harm to rural character. This further supports the conclusion that the proposed works at Big Shaffalong meet the design requirements under paragraph Q.2(1)(f).

CONCLUSION

4.1 The appealed proposal complies with the pre-May 2024 version of Class Q of the GPDO, as was correctly selected on the application form. The Council’s refusal, based on a misapplication of the new Class Q rules, amounts to a procedural error which has resulted in an unjustified reason for refusal on the decision notice.

4.2 Furthermore, the second reason for refusal concerning design and appearance is inadequately reasoned and fails to properly consider the visual betterment the scheme offers.

4.3 This is a proposal that reduces built form, enhances the rural character, and utilises an existing structure for sustainable housing delivery. The scheme brings forward positive change in a manner that respects both the site’s context and the parameters of permitted development.

4.4 The Inspector's findings in the Willowshaw Farm appeals reinforce the position that agricultural buildings of simple, functional appearance, even when prominent, are not precluded from conversion under Class Q. The decision confirms that there is no requirement for significant design uplift or architectural merit, and that a "**smartening up**" of the building is sufficient to meet the prior approval threshold. This precedent further underlines the unreasonableness of the Council's refusal in this case.

4.5 The Council's decision represents a failure to apply relevant legislation properly and a lack of reasonable judgment in assessing the design. As such, the appeal should be allowed, and prior approval granted. In addition, given the procedural failings and unreasonable behaviour outlined, an award of costs is respectfully sought.

Yours sincerely

A handwritten signature in black ink, appearing to read "Adam Mustafa", written in a cursive, flowing style.

Adam Mustafa *BSc(Hons) MRTPI*
SENIOR PLANNING CONSULTANT