
Appeal Decision

Site visit made on 18 July 2016

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 August 2016

Appeal Ref: APP/L1765/W/15/3141254

Barn at Hunton Manor Farm, Hunton Down Lane, Hunton, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mrs G C I Finn-Kelcey against the decision of Winchester City Council.
 - The application Ref 15/02028/PNACOU, dated 7 September 2015, was refused by notice dated 30 October 2015.
 - The development proposed is change of use of agricultural building to a single dwellinghouse (Use Class C3) and associated building operations.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is whether or not the proposal constitutes permitted development.

Reasons

3. The appeal site is located at Hunton Manor Farm and is on the west side of Hunton Down Lane. The site contains a steel framed Dutch Barn, which has corrugated metal sheeting on the roof and on three elevations. The fourth elevation is currently open. The proposal seeks to convert the barn under the Town & Country Planning (General Permitted Development) Order 2015 (the GPDO) to a dwellinghouse, containing a single ground floor level of accommodation.
 4. Class Q of the GPDO allows a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order (Class Q (a)); and building operations reasonably necessary to convert the building referred to in Paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule (Class Q (b)).
 5. The appellant is of the view that there is some confusion on the basis in which the Council refused the proposal. I accept that the Council's reason for refusal states that prior approval is required and that this could indicate under Paragraph Q2.(1) the proposal constitutes permitted development in terms of Class Q (a) and (b). Paragraph Q2.(1) states '*Where the development proposed is development under Class Q(a) together with development under*
-

Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: (a) transport and highways impacts of the development, (b) noise impacts of the development, (c) contamination risks on the site, (d) flooding risks on the site, (e) 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) of the Schedule to the Use Classes Order, and (f) the design or external appearance of the building’.

6. I acknowledge that the Council has not raised any concerns with regard to (a) to (f) under Paragraph Q2.(1). However, whilst this confusion is unfortunate, I have considered the Council’s evidence and it is clear that the Council are of the view that the proposed building works go beyond that reasonably necessary to convert the building into a dwellinghouse and it is on this basis that the application was refused. Further, I am mindful that the GPDO at no point sets out that in such circumstances, the proposal should automatically be considered permitted development. Given this, I consider that there are no grounds to allow the appeal on such a technicality.
7. I will now turn to the substantive area of disagreement between the parties. The application is supported by a Structural Condition Report for the appeal building. This sets out, that the barn as it stands, is capable of providing an external rain screen and could support fabric insulating membrane. However, the report then goes on to state *‘The use of SIP panels thereafter to form new wall panels supported on the new concrete floor which incorporates the necessary thermal floor slab insulation, will then provide a coherent structural solution in conjunction with the existing frame’* (My emphasis).
8. The Government’s Planning Practice Guidance (the PPG) at Paragraph: 105 (Reference ID: 13-105-20150305) sets out that *‘...It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right’.*
9. The proposal would, in essence, construct a new dwelling, including structural walls made from Structural Insulated Panels (SIPs) and a new concrete base within an existing rain screen (the barn). The appellant views this as the provision of an internal skin of new insulation to meet Building Regulations. However, I am mindful that SIPs by their very nature are structural components. The Structural Condition Report, as set out above, notes that the SIPs along with the new concrete floor, would provide a suitable structural solution in conjunction with the existing frame. The Structural Condition Report does not indicate that a coherent structural solution could be achieved without such additional structural elements.
10. Given this, the building conversion as proposed, in my view, does require new structural elements to be constructed to allow it to function as a dwellinghouse. From the evidence that I have before me and from my observations on my site visit, I cannot be sure that the existing barn is structurally strong enough to be converted in its own right, without the need for new structural elements such

as those proposed. I consider that this runs contrary to the advice within the PPG, which I am of the view is a material consideration of significant weight.

11. Consequently, I consider that the proposal does not comply with Paragraph Q.1 (i) of GPDO. This sets out that development is not permitted if (i) the development under Class Q(b) 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. On this basis, I must conclude that the proposal does not constitute permitted development.

Conclusion

12. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR