
Appeal Decision

Site visit made on 23 August 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 9 September 2016

Appeal Ref: APP/H1840/W/15/3141212

Agricultural building, Lords Hill Farm, Appletree Lane, Inkberrow, Worcester WR7 4JA

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
 - The appeal is made by Mr Richard Jordan against the decision of Wychavon District Council.
 - The application Ref GPDQ/15/02643/GPDQ, dated 12 October 2015, was refused by notice dated 8 December 2015.
 - The development proposed is the change of use of an agricultural building to a dwelling house and for associated operational development.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use of an agricultural building to a dwelling house and for associated operational development at Lords Hill Farm, Appletree Lane, Inkberrow, Worcester WR7 4JA in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W(2) of the GPDO and subject to the conditions of the GPDO.

Procedural matters

2. The appellant states that an amended plan, ref 5560(A) – P2 Rev A, showing the proposed conversion was submitted as part of the application. E-mails that have been provided show that the Council invited the appellant to submit an amended plan to demonstrate how much of the walls and roof would remain as part of the proposal. However, the correspondence made clear that the Council would only take it into account as part of the application if it was submitted on 7 December 2015. As the plan was not submitted until the next day, it did not form part of the application determined by the Council. Accordingly, I have determined the application on the basis of the original version of plan ref 5560(A) – P2.
 3. Class Q(a) relates to the change of use “of a building and any land within its curtilage”. For the purposes of Class Q “curtilage” means the piece of land immediately beside or around the building which is closely associated to it, or an area of land immediately beside or around it, no larger than the area occupied by the building, whichever is the lesser. The site plan, ref 5560(A) – P1 submitted with the application identifies a curtilage that complies with this definition.
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Main Issue

4. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants permission for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraph Q.1 specifies limitations to Class Q.
5. The Council has refused the application on the basis that a substantial amount of the building would have to be demolished and because, in its view, the building operations that would take place are beyond those that are reasonably necessary. The main issue in this case therefore is whether the proposed development would fall within development permitted under Schedule 2, Part 3, Class Q of the GPDO and would not be excluded by paragraph Q.1.

Reasons

Agricultural use

6. It is no part of the Council's case that the building was not in agricultural use on 20 March 2013 as part of an established agricultural unit. During the site visit I saw that the building was housing chickens and that agricultural equipment was stored within it. As such, the building complies with paragraph Q.1 (a) of the GPDO.

Building operations

7. Planning Practice Guidance (PPG) advises that it is not the intention of the permitted development right to include the construction of new structural elements¹. As a result, it advises that 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.
8. The building is gable ended and rectangular in shape with a low angled pitched roof clad in metal sheeting. It is stoutly constructed with a timber box beam frame supported on steel columns around the perimeter. Walls have been formed from plywood cladding that sit upon dwarf blockwork walls built upon strip foundations. I saw during the site visit that the whole of the building that would be converted has a concrete floor.
9. A structural report commissioned by the appellant concluded that the good condition of the structure of the building and its foundations meant that it is able to support the weight of the re-clad better insulated walls and roof proposed as part of the change of use. In the addendum to the report reference is made to the internal wall along the centre of the building providing additional support to the frame. As with the other internal walls proposed this wall would be built up to the roof. Consequently, it would offer some support to it. However, the structural report found that the building was strong enough for the works proposed without such work. Having considered the plans it is clear to me that the primary purpose of the wall, in keeping with the other internal walls that would be built, is to subdivide the internal space of the building. As a result, any support to the structure would be a normal incidental benefit. Taking all these matters into account, I therefore find that the building is structurally strong enough for the proposed external work.

¹ Paragraph: 105 Reference ID: 13-105-20150305

10. Paragraph Q.1 states that development is not permitted by Class Q if it would consist of building operations other than (i) the installation or replacement of windows, doors, roofs, or exterior walls... to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations described.
11. Plyboard clad walls have given the building an unattractive utilitarian appearance. Whilst these walls could be retained, in my assessment their replacement is a course of action that a reasonable person would choose. Similarly, reroofing a building to ensure that it has a durable watertight roof is a common conversion work. Consequently, I find that the proposed replacement of the walls and roof are building operations that are reasonably necessary for the building to function as a dwellinghouse. The proposed windows and doors in providing access, natural light and ventilation to this windowless building also comply with this requirement.
12. As part of the proposal the lean to structure attached along the long south western side of the building would be demolished together with a small egg room on its south eastern corner. These works of partial demolition are necessary to allow the walls and windows as shown on the submitted plans to be installed.
13. Two appeal decisions where approval was refused have been referred to in support of dismissing the appeal². However, in both there was a lack of information as to whether the existing structure was capable of conversion to a dwelling without the construction of new structural elements. For example in relation to the storage barn at West Hurst, external brick walls were proposed to replace sheets cladding the barn without reference to whether foundations, which could be considered to be structural, would be required. Similarly, the steel frame of the building would be 'realigned' without detailing what work would be involved. Influenced by such considerations, and the extent of conversion works proposed, the Inspector in both appeals found that it had not been demonstrated that the works would be reasonably necessary for the building to function as a dwellinghouse. In contrast, in this appeal the evidence is that the building is structurally sound and that it can be converted without the need for structural works.
14. As to whether the extent of replacement roofs and exterior walls is reasonably necessary, this is a matter of planning judgement based upon the facts in each case. The decision maker in relation to the cited appeals exercised her judgement on the evidence in relation to those particular cases. I have similarly used my judgement in respect of the evidence before me. For the reasons that I have given, these appeal decisions have therefore not altered my assessment of the proposed development.
15. There is no suggestion that the proposed development would be excluded by the other limitations in paragraph Q.1. On the basis of what I have read and seen I find that the proposal would comply with the remaining limitations in this paragraph.

Prior approval requirements

16. PPG advises the starting premise for Class Q is that the permitted development right grants planning permission, subject to the prior approval requirements³.

² Refs APP/H1840/W/15/3022224, APP/H1840/W/15/3003352

³ Paragraph: 109 Reference ID: 13-109-20150305

The provisions of the GPDO require the local planning authority to assess the proposed development in respect of transport, highways and noise impacts of the development; flooding and contamination risks on the site; whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling house; and, design or external appearance.

17. The officer report on the application confirms that there are no objections on highway or transportation grounds to the proposal. Similarly, the Council's Regulatory Services had no reason to believe that the site may be contaminated. The appellant states that the site is not in an area of flood risk and this has not been challenged by the Council. Having viewed the site there is no reason to believe that noise, or the location or siting of the building, makes it otherwise impractical or undesirable for the proposed change of use. In relation to design and external appearance, the proposed horizontal timber cladding would improve the dour utilitarian appearance of the building and the location and size of the proposed windows and doors would be in keeping with the building's simple design. For all of these reasons, I therefore find that in relation to these criteria the proposed conversion is acceptable.

Conditions

18. The appellant should note that the GPDO requires at paragraph Q.2(3) that the development shall begin within a period of 3 years from the date that the prior approval is granted. A number of other conditions apply to such development, including paragraph W(12) of the GPDO which requires that the conversion is carried out in accordance with the details provided in the application.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector