

Appeal Decision

Site visit made on 30 August 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/H1840/W/16/3148132

Rectory Farm, Dodderhill Common, Hanbury, Bromsgrove B60 4AT

- 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 (as amended).
 - The appeal is made by Mr & Mrs M A Fell against the decision of Wychavon District Council.
 - The application Ref GPDQ/15/02175/GPDQ, dated 20 August 2015, was refused by notice dated 14 October 2015.
 - The development proposed is the change of use of an agricultural building and the necessary building operations to form one dwelling (Use Class C3), under Class Q(a) and (b) of the 2015 Order.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The GPDO requires the local planning authority to assess the proposed development against the criteria set out in Class Q, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. With the appeal, the appellant submitted an updated structural survey and revised drawings to reflect the findings of this work. The local planning authority and third parties had an opportunity to comment on this additional information and therefore to accept the revised details would not prejudice the interests of the Council or third parties. For this reason I have accepted the details.
4. The Council has not cited conflict with policies from the development plan in their refusal notice, associated officer report, or in the course of the appeal. As such I have approached the appeal on this basis.

Main Issue

5. The Council does not dispute that the proposal meets the requirements of Schedule 2, Part 3, paragraphs Q.1(a) to (h) or (j) to (m) of the GPDO. The matter in dispute is whether the proposal would meet the requirements of paragraphs Q.1(i)(i) and (ii) of the GPDO. Therefore, the main issue in this case is whether the proposed change of use of an agricultural building and building operations to form one dwelling would accord with the limitations set
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out in Schedule 2, Part 3, paragraph Q.1(i)(i) and (ii) of the GPDO and therefore be permitted development.

Reasons

6. Class Q of the GPDO permits development that constitutes the change of use of a building and any land within its curtilage from use as an agricultural building to use as a dwelling house and building operations reasonably necessary to convert the building concerned. However development that is not permitted is listed in Q.1.
7. Q.1 (i) specifies that to be permitted the development should not consist of building operations other than *the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out the building operations described*.
8. The existing building to be converted constitutes a steel portal frame, supported by concrete pads and steel haunches at the junctions of the portal columns and portal rafters. The sides of the buildings are enclosed by concrete blockwork to a height of approximately two metres, above which are corrugated sheets. The roof is also formed of corrugated sheeting. Attached to the southern side of the building is a canopy with a mono-pitched roof on a steel frame. The existing building supports this canopy via its portal columns.
9. The works required to convert the existing building to one dwellinghouse would include the installation of windows and doors. The floor of the building would be overlaid with a new concrete slab, insulation and screed. New composite roofing panels would be fixed onto the existing purlins and steel portals. This fixing would be supplemented by additional timber purlins as part of the re-roofing. With regards to the walls, the existing portal frame structure and concrete block walling are to be retained, supplemented by additional blockwork to the eaves and the existing wall cladding replaced with new cedar boarding. Insulation would be added to the inside of the external walls.
10. The installation of the windows, doors and replacement of the roof are works that are reasonably necessary for the building to function as a dwelling house. I am satisfied that the timber purlins would be added to allow roofing materials to be applied, not for load bearing reasons.
11. It is inevitable that to operate as a dwelling, services and facilities would need to be installed, such as water and drainage. These works constitute permitted development under the GPDO.
12. As part of the works to erect the exterior walls, the rigidity of the intermediate portal columns would be improved. Recent structural calculations demonstrate that works are required to improve the rigidity of the intermediate portal columns; that of bolting 'T' shaped sectional steel to the inside flange of six intermediate portal columns. The Planning Practice Guidance (the PPG) explains 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 right¹. The works to the intermediate portal columns indicate that

¹ Paragraph 105 Ref ID: 13-105-20150305.

the building is not structurally strong enough and therefore in line with the PPG would not be permitted development.

13. The appellant asserts that the structural works could be undertaken without constituting development for planning purposes and therefore would fall within Section 55(2)(a) of the Town and Country Planning Act 1990². However, the development for consideration is for the change of use of an agricultural building and the necessary building operations which include the structural works described. The structural works, therefore, are an integral part of the works proposed and do not fall solely within the requirement of Section 55(2)(a) for the purposes of maintenance, improvement or other alteration.
14. Demolition of the canopy attached to the southern side of the building is proposed to create an outdoor garden space adjacent to the new dwelling. This demolition is reasonably necessary to create outdoor space for the building to function as a dwelling house.
15. In all, therefore, for the reasons set out above, I find that the proposed change of use of an agricultural building and building operations to form one dwelling would constitute the structural works referred to in the Guidance and which are not permitted by paragraph Q.1(i)(i) and (ii) of the GPDO. As a result the proposal would not be permitted development.
16. I have had regard to the concerns about the agricultural use of the building and the issues raised in relation to the impacts of the development on matters such as highway safety, the character and appearance of the area and ecology but these considerations do not alter my conclusions on the main issue.

Conclusion

17. For the reasons given above, the proposal should be dismissed.

R Walmsley

INSPECTOR

² Which states that "the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building" does not constitute development.