
Appeal Decision

Site visit made on 12 September 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/H1840/W/16/3150529

**Barns at Orchard Farm, Evesham Road, Norton, Evesham, Worcestershire
WR11 4TW**

- 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 and Mrs N Mellor against the decision of Wychavon District Council.
 - The application Ref GPDQ/15/02473/GPDQ, dated 18 September 2015, was refused by notice dated 17 November 2015.
 - The development proposed is the conversion of two barns at the above site to 3 no. dwelling houses.
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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. 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

4. There is no 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 conversion of two barns at the above site to 3 no. dwelling houses would accord with the limitations set out in Schedule 2, Part 3, paragraphs Q.1(i)(i) and (ii) of the GPDO and therefore be permitted development.

Reasons

5. 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
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- to use as a dwelling house and building operations reasonably necessary to convert the building concerned. However, the conditions listed in Q.1 must be complied with for the development to be permitted development.
6. Q.1(i)(i) and (ii) of the GPDO states that 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.
 7. Further guidance on the building works allowed under Class Q is contained within paragraph 105 of the Planning Practice Guidance¹ (PPG). Amongst other things, this states 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.*
 8. Two buildings are proposed for conversion, Barn 1 and Barn 2. Barn 1 has a large steel portal frame. The sides of the barn have asbestos cladding on timber rails as well as masonry and timber infill panels. The steel rafters support timber purlins and asbestos cladding panels. Adjoining the barn is a lean-to steel framed extension which is to be demolished. Barn 2 is a smaller steel framed roll-top barn. The steel frame constitutes steel posts and lightweight steel frames above. Steel cladding exists in places, including for the roof, although one elevation of the building is devoid of cladding.
 9. The works required to convert the barns involve the retention of the portal frame structure, the installation of new double glazed windows and doors, new cavity walls and vertical cedar boarding to the walls, an insulated floor slab, and a new insulated seamed zinc roof. Metal flues would also be added to serve the fireplaces.
 10. Of the original buildings, only the steel frames would be retained. The form of Barn 1 would change; a flue extending above the roof and an alteration to the roof form would change the external dimensions of the building. Furthermore, the elevational profiles shown on the drawings² show a material difference to the elevations of the existing buildings which go beyond what is reasonable to form a dwelling. Together with the demolition proposed, these works are beyond what is reasonably necessary for the building to function as a dwellinghouse.
 11. The Structural Appraisal of Outbuildings³ before me is a report of a visual inspection which revealed that internal cross walls would be "required" for additional stability. I note the Engineer's response in Appendix A of the Appellant's Statement which re-affirms that the steel frames are structurally satisfactory for the conversion proposed; though reference is not made to the need for internal cross walls. It is incumbent on the appellant to produce sufficient information to demonstrate that the existing building is structurally strong enough to take the load as a result of the works proposed and therefore

¹ Reference ID: 13-105-20150305

² MEL/899/PL/04/15/002/B and MEL/899/PL/04/15/001/A

³ A Structural Appraisal of Outbuildings at Orchard Farm, Norton WR11 4TW dated 12 September 2015

that the requirements of the Class are fulfilled. The visual inspection is devoid of any loading calculations and is limited in its scope, based on visual observations from the ground. I do not find, therefore, that the evidence before me amounts to sufficient information to demonstrate that the conversion could be adequately supported by the existing steel frames.

12. In all, whilst the steel frames of both buildings may be structurally satisfactory, I have found that new structural elements would be required. Together with the limitations of the visual inspection, the development would not meet the requirements of Class Q of the GPDO. As such the development would not be permitted development.

Other matters

13. The proposed development is a re-submission of a previous prior notification application⁴ but with a report from a Structural Engineer. Having taken into account the structural information, I have found that the development would not be permitted development.

Conclusion

14. For the above reasons, the proposed development would not comply with paragraphs Q.1(i)(i) and (ii) of the GPDO and therefore would not be permitted development. For this reason the appeal is dismissed.

R Walmsley

INSPECTOR

⁴ GPDQ/15/01200/GPDQ