

Appeal Decision

Site visit made on 13 September 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/P2935/W/16/3153059

Dutch Barn, Wylam Wood Farm, Wylam, Northumberland NE41 8HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Peter Wolf against the decision of Northumberland County Council.
 - The application Ref 16/00852/AGTRES, dated 14 March 2016, was refused by notice dated 5 May 2016.
 - The development proposed is the conversion of Dutch barn into dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the proposal in the heading above is taken from Section E of the appeal form and the Council's decision notice as it is a suitably succinct and more accurate description than that given on the original application form.

Background and Main Issue

3. In accordance with the requirements under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO), the application subject of this appeal sought a determination by the Council as to whether prior approval was required in relation to the matters listed in paragraph Q.2(1) of the GPDO. The Council refused the application on the basis that the proposal was not permitted development under Class Q as it would not comply with the requirement of paragraph Q.1(i).
4. The main issue is, therefore, whether the proposed development would accord with the requirements for development permitted under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. Class Q of the GPDO permits the change of use of an agricultural building and any land within its curtilage to a residential use, along with building operations reasonably necessary to convert the building. Paragraph Q.1(i) states that development is not permitted if it would require building operations other than the installation or replacement of windows, doors, roofs or exterior walls or
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- water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.
6. Guidance for the interpretation of the permitted development right was introduced to the Planning Practice Guidance (PPG)¹ in March 2015. It states that the right under Class Q assumes that the building is capable of functioning as a dwelling. However, it recognises that for the building to do so, some building operations that would affect the external appearance of the building and would otherwise require planning permission, should be permitted. It goes on to make clear 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.
 7. The building is a metal clad Dutch barn, the structure of which is a steel frame with curved trusses. The gables of the barn are supported by 2 vertical members and a single, diagonal member to provide longitudinal bracing. It is proposed to convert the barn to a single dwelling.
 8. The appellant indicates that no new structural elements would be required for the proposal as the existing steel structure would be sufficiently sound to accommodate the necessary loading to facilitate the conversion. It is intended to largely retain the structure and the submitted Structural Survey suggests that the frame is in fair structural condition.
 9. However, the survey states that there is a steel column on the eastern elevation that shows signs of severe corrosion. Moreover, the survey did not assess the condition of the steel columns on the western elevation, though it suggests that is likely that they also have severe corrosion. Indeed, I observed on my site visit that a number of columns show signs of corrosion. Nevertheless, given the lack of detail in respect of several of the supporting columns, I have limited substantive evidence on the overall structural integrity of the steel structure of the building. As a result, I am unable to conclude that the existing frame is in fair structural condition.
 10. The survey suggests a series of repairs would be required to those columns that are corroded or damaged. However, I have not been provided with any substantive detail on the extent or the nature of the repairs considered necessary for those columns.
 11. Moreover, the survey also indicates that there is no lower beam to support the cladding on the western elevation and that further purlins to support the roof would be of benefit. Additional bracing would also be introduced. New openings would be formed with a steel frame to allow the installation of windows, doors and frames. Several of the new openings would be full height from ground level to eaves.
 12. The survey also indicates that the lack of visible base plates suggests that the steel columns are fixed within the ground. No inspection was made of the foundations, however. Moreover, the building has a bare earth floor and it would be necessary to install a new solid floor construction. Whilst I note that

¹ Planning Practice Guidance - Paragraph: 105 Reference ID: 13-105-2015

one may expect such conversions to require the installation of appropriate flooring, I have been provided with no compelling evidence to suggest that there are any existing footings or foundations that would be sufficient to bear the loading of the proposed works. Consequently, it seems to me that all of these repairs and works would likely serve to strengthen the structural properties of the building and would provide some degree of structural support to the proposed walls, windows and doors.

13. Taken altogether on the evidence before me, I am unable to conclude that the existing building is structurally strong enough to take the loading which would come with the external works to provide for the proposed residential use. I conclude, therefore, that the development would require building operations other than the installation or replacement of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The proposal would therefore fail to accord with the limitations at paragraph Q.1(i) and would not constitute permitted development in respect of Class Q of the GPDO.

Other Matters

14. The appellant has referred to three appeal decisions² relating to similar conversions where matters relating to the extent of building works were substantive. However, I have limited detail of those cases and I am unable to conclude that the circumstances of those cases are directly comparable to the appeal before me here. In any case, those decisions pre-date the updated guidance in the PPG. I therefore afford those decisions limited weight.
15. I have also had regard to a recent application for prior approval under Class Q at Land North of Steel Rigg Cottage, Capheaton, Northumberland³. On that occasion, the Council considered the proposal was permitted development and prior approval was not required. Whilst I note that there are similarities with this proposal, I do not have the full details of that case before me, including the extent of the works proposed and the structural survey that accompanied it. I note in that case that it was demonstrated to the satisfaction of the Council that the building in its present form was sufficiently structurally sound to support the proposed works. For the reasons set out above, I have not drawn such conclusions here. In any event, I have considered this appeal on its own merits.

Conclusion

16. For the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

² APP/N1730/A/14/2225012; APP/D0840/A/14/2225027; APP/N1215/A/14/2225593.

³ 16/01665/AGTRES