
Appeal Decision

Site visit made on 12 October 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 19 October 2016

Appeal Ref: APP/Z3825/W/16/3148879

**The Barn, Morlands Farm, Wheatsheaf Road, Woodmancote,
Henfield BN5 9AT**

- 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.
 - The appeal is made by Mr Paul McBride against the decision of Horsham District Council.
 - The application Ref DC/15/2647, dated 10 November 2015, was refused by notice dated 11 January 2016.
 - The development proposed is change of use of agricultural building to a dwelling house (Use Class C3).
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Decision

1. I allow the appeal and grant approval under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for change of use of agricultural building to a dwelling house (Use Class C3) at The Barn, Morlands Farm, Wheatsheaf Road, Woodmancote, Henfield BN5 9AT in accordance with the terms of the application Ref DC/15/2647, dated 10 November 2015 and the drawings and Planning Statement that accompanied it.

Main Issues

2. These are;
 - Whether the structural design of the existing building is sufficient to satisfy the requirements of paragraph Q.1.(i) of the Order.
 - Whether the design and external appearance of the proposal would satisfy the requirements of paragraph Q.2.(1)(f) of the Order.

Reasons

Structural Design

3. The Council's first reason for refusal was that the proposal does not comply with the requirements of paragraph Q.1.(i) as the conversion works would significantly exceed what is reasonably necessary for the building to function as a dwellinghouse. That paragraph states that to be permitted development under Class Q.(b) the proposal should not 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.
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4. The web-based Planning Practice Guidance sets out at paragraph 13-105-20150305 guidance on the limitations to building works and states that it is not the intention of the permitted development right to include the construction of new structural elements for the building. The Guidance continues that 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.
5. Subsequent to the Council's refusal, the appellant supplied an addendum to the previously submitted structural information which showed the details of the structural elements and contained calculations as to how they could be reused to provide the necessary support for the works without the need for new structural elements. On receipt of this later information the Council withdrew the first reason for refusal at Appeal.
6. In view of the later information and with the benefit of an inspection of the building as it stands, it is concluded now that the structure is sufficient for the proposed works and that as a result, there is no reason to dismiss this appeal on the basis of paragraph Q.1.(i).

Design and External Appearance

7. The remaining part of the Council's case is that the proposal does not comply with the requirements of paragraph Q.2.(1)(f) in respect of the design of the building as the proposed design is not reflective of the agricultural character of the building. That paragraph states that where the development proposed is development under Class Q.(a) together with development under Class Q.(b) as is the case here, development is permitted subject to the condition that before beginning, the developer must apply to the local planning authority for a determination as to whether prior approval will be required as to, among other matters which are agreed to be met, (f) the design or external appearance of the building.
8. The web-based Planning Practice Guidance does not specifically address part (f) but does refer to it in paragraph 13-107-20150305 with the statement that the local planning authority must only consider the National Planning Policy Framework to the extent that it is relevant to the matter on which prior approval is sought, for example, transport, highways, noise etc, this latter abbreviation covering the other items within the list (a) to (f) in Q.2.(1), (f) being the design and external appearance of the building.
9. The Framework states at paragraph 56 that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 60 the Framework makes clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
10. The existing building is a Dutch Barn with its distinctive curved roofline and vertical corrugated metal cladding. However, the use of this walling material is not an essential feature of a Dutch Barn in the way that the curved roof is, and

the proposed use of timber would retain an agricultural character and appearance, reinforced by the retention of the curved roof. It is the case that more than half the perimeter is currently open, but paragraph Q.1.(i)(i)(aa) provides for the *installation*, and not just the *replacement*, of exterior walls.

11. The Council's other concern is the amount of window openings, and the previously quoted Guidance paragraph 13-105-20150305 on the limitations to building works also says that the right allows for the installation of windows, to the extent reasonably necessary for the building to function as a dwellinghouse. However, the Council do not claim in quoting paragraph Q.2.(1)(f) of the Order that the windows are not reasonably necessary, only that their size results in a design that does not meet the required standard.
12. Any consideration of design should take note of the context and the receptors. In this case the context is very much the tourist attraction of the Sussex Prairie Garden, and the receptors would be people visiting that garden. The extent to which the barn is seen from and in the context of the footpath and other properties to the east is significantly less. In its context, the introduction of the proposed amount of windows would be attractive and acceptable for that reason, and the departure from a strictly agricultural aesthetic is justified and again acceptable.
13. The appellant has referred to matters concerning control of the gardens nearby, but the Guidance states that factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant. As a result limited weight attaches to the need for the dwelling, as opposed to those factors that have been considered previously in this Decision.
14. With regard to conditions, the Order states at paragraph Q.2.(3) that development under Class Q is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. Paragraph W.(12)(a) states that where prior approval is required, the development must be carried out in accordance with the details approved, and paragraph W.(13) states that approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. In this case the Council has not suggested further conditions. The drawing supplied gives sufficient detail of the layout of the materials, and the accompanying Planning Statement adds further detail and it is these materials making up the design and external appearance of the building that are being approved now.
15. With those standard provisions, it is concluded that the proposed change of use would be permitted development under Class Q of the Order and for the reasons given above it is concluded that the appeal should be allowed and approval given.

S J Papworth

INSPECTOR