
Appeal Decision

Site visit made on 1 November 2016

by Simon Warder BSc(Hons) MA DipUD(Dist) MRTPI

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

Decision date: 17th November 2016

Appeal Ref: APP/J3530/W/16/3155454

High House Farm, Shop Road, Clopton IP13 6QP

- 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 County Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Executors of the late Mr Bull against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/1881/PN3, dated 4 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is described as 'The lean to shelters will be demolished and the buildings will be erected to provide a 3 bedroom accommodation with parking.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made and determined in the name of Executors of the late Mrs Bull. However, it has subsequently been confirmed that the application should have been in the name of Executors of the late Mr Bull. I have used this name in the heading above.
3. The application was for a proposed change of use of agricultural building to a dwellinghouse and for associated operational development.

Main Issues

4. The main issue is whether the proposal would involve more than one building, if that were the case, would it fall within the terms of Class Q of the Order¹ and whether the proposed building operations fall within the limitations set out in the Order.

Reasons

5. Paragraph Q of the Order sets out the development permitted under Class Q and refers only to 'a building' or 'the building'. Whilst paragraphs Q.1(b) and (c) of the Order and paragraph Reference ID: 13-104-20150305 of the Planning Practice Guidance refer to 'buildings', that is in the context of the cumulative number of conversions within a given agricultural unit. The appellant says that approval under Class Q has been given elsewhere for a single dwellinghouse formed from two buildings. However, I have not been

¹ Town and County Planning (General Permitted Development)(England) Order 2015

- provided with the details of that decision and, therefore, can accord it limited weight.
6. Paragraph Q.1(g) confirms that development is not permitted if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any point. It follows that a proposal which would connect two or more buildings would fall outside of the scope of this limitation.
 7. The structure proposed to be converted includes a barn and a smaller shelter which is connected to the barn with a mono-pitch roof. However, there is no door or other opening in the end wall of the barn adjoining the shelter which might suggest that the two parts of the structure were intended to function as a single building. There are also gaps between the walls which extend from the shelter towards the barn and the barn itself. Moreover the height of those walls stops well short of the mono-pitch roof and the tops are finished with half round copings. In my view, the walls take the form of means of enclosure and, therefore, do not form part of a building (as defined by paragraph 2(1) of the Order).
 8. As a result of the gaps between the walls and the barn and below the mono-pitch roof, the space between the barn and the shelter is partially open to the elements. Therefore, I consider that it amounts to a covered space between two separate buildings rather than the continuation of a single building.
 9. The appellant argues that the structure proposed to be converted is shown as a single building on Ordnance Survey maps and Google imagery. Whilst that may be the case, there is nothing to suggest that those sources of information are based on analysis of the structure specific to the matters at issue in this appeal. Therefore they carry limited weight.
 10. Consequently, having regard to the limitations of Class Q referred to above, I find that the proposal would involve two buildings and that, irrespective of their exact specification, the proposed works linking those buildings would fall outside of the scope of the paragraph Q.1(g). As such, the proposal would not be permitted development for the purposes of Class Q.

Other Matters

11. The appellant considers that the Council did not issue a notice of the need or otherwise for prior approval within the time limit set out at paragraph W(11) of the Order. Both parties have provided detailed information on this matter. Nevertheless, since I have found that the proposal is not permitted development, it is not necessary for me to make a determination on prior approval matters.

Conclusion

12. For the reasons set out above, I find that the proposal is not permitted development under Class Q. Therefore, the appeal should be dismissed.

Simon Warder

INSPECTOR