
Appeal Decision

Site visit made on 24 October 2016

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/G2713/W/16/3156096

Agricultural Building off Sunbeck Lane, New Road, Raskelf, York, North Yorkshire YO61 2QH

- 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 (2015 GPDO).
 - The appeal is made by Mr Matthew and Richard Plowman, Plowman Brothers Ltd against the decision of Hambleton District Council.
 - The application Ref 16/00124/MBN, dated 11 January 2016, was refused by notice dated 15 April 2016.
 - The development proposed was originally described as '*Proposed conversion of a redundant steel framed and clad agricultural building to a single dwelling with GEFA of C441m2. Accommodation on two floors to comprise hall, living room, kitchen/dining room, study, utility W.C. and plant room with landing, 4 bedrooms, family bathroom, 2 en-suites, integral garage/car port with allocated garden space 0.60 ha. The total land holding owned by the applicants amounts to approx. 7.37 hectares. The building is situated in the north east corner of a field (ref:4108), a level site immediately adjacent to an established private access track and is well screened by a small woodland, a number of mature trees and hedges. The two nearest neighbouring dwellings are some 300m away as is the north east main rail line and public highway. The local amenities of Raskelf and general facilities of Easingwold are approximately 2.5 & 6.5 kilometres distance respectively. The site is well connected by a network of local roads with the A19 approximately 3 kilometres away.*
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Decision

1. The appeal is dismissed.

Background

2. The application is made under the provisions of Schedule 2, Part 3, Class Q of GPDO under Q (a) for a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building under Class Q (b). Paragraph Q.1 (i)(i) advises that such works can include the installation or replacement of (aa) windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling house, and paragraph Q.1.(i)(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i).
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Main Issue

3. The main issue for the appeal is whether the appeal scheme would comply with the permitted development criteria set out in Schedule 2, Part 3, Class Q.1.(i) of the 2015 GPDO.

Reasons

4. The appeal proposal relates to a steel framed agricultural building, which I saw at my site visit was storing farm implements. The building is fully enclosed, with corrugated fibre cement roof and upper walls, with the lower walls being formed of metal sheets. The building has a pair of large sliding doors at the south west end.
5. The Planning Practice Guidance (PPG) in paragraph 105¹ provides guidance to the background and interpretation of parts of the GPDO. In respect of the permitted development right under Class Q of the GPDO, it assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. Furthermore, it highlights that 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.
6. The appellant has submitted with the proposal the findings of investigation works commissioned from civil and structural engineering consultants in respect of the steel structure and foundations of the appeal building. Firstly, I note that the foundations are considered to be suitably sized to resist the dead, imposed and wind loads from the proposed development. However, whilst the investigations conclude that the existing steel frame has adequate strength to resist dead, imposed and wind loads suitable for a residential building, they find that the existing building has no out of plane vertical bracing and that new bracing would need to be incorporated into the side walls of the proposed scheme to provide the necessary level of stability. I also note that the apex connections require nominal reinforcement and that there are some areas of historic damage to the steel columns which requires to be addressed.
7. The engineers findings conclude that once the works listed are completed the steel structure and foundations of the building would meet the minimum requirements of the Building Regulations and British Standard design codes. Consequently, whilst I note the appellants comments that the additional bracing required would not exceed that which would be considered reasonably necessary on a traditional building, on the basis of the submitted engineer's findings, I consider that the building requires new structural elements incorporated into the new side walls to facilitate the proposed change of use and design. Consequently, I consider that the existing building is not structurally strong enough to take the loading which comes with the external works to provide for residential use in its present form.

¹ Reference ID: 13-105-20150305

8. In addition, the proposal involves the complete removal of the existing walls and roof and their replacement with profiled metal sheeting to the roof and walls, Yorkshire boarding and low level concrete panel, with the foundations and steel frame being retained. Additionally, a considerable number of window and door openings would be formed including roof lights and an open area formed with a balcony at one end of the building. Whilst some works to convert an agricultural building to a dwelling compliant with the Building Regulations and provision of services and heating are to be expected, the proposal requires extensive demolition and reconstruction with very little of the existing fabric of the building being retained. Consequently, whilst no load bearing elements would be removed, I consider that the building operations proposed would be so considerable and wide ranging as to go beyond what is reasonably necessary for the building to function as a dwelling house, as required by Q.1 (i)(i). Equally, I consider that the extent of the demolition required is such that it would exceed what is reasonably necessary to carry out the building operations allowed by paragraph Q.1(i)(i).
9. I therefore conclude that the proposal would not comply with the permitted development criteria set out in Class Q.1 (i) of the GPDO.

Other matters

10. I have considered the comments regarding precedent for similar development already established in Hambleton and the information regarding schemes at Goose Farm, Sutton-on-Forest and Church Farm, Follifoot. However, whilst these schemes may have been considered to be permitted development, from the evidence before me, I conclude that the appeal scheme does not constitute permitted development in terms of Schedule 2, Part 3, Class Q.1.(i) of the GPDO.
11. I have also considered the comments regarding the conditions set out in Q.2. but as I have found that the appeal proposal does not constitute permitted development, under Q.1. I do not need to consider these matters further. The comments made in respect of the Councils handling of the proposal are matters for local government accountability.

Conclusion

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

Philip Lewis

INSPECTOR