
Appeal Decision

Site visit made on 8 November 2016

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 02 December 2016

Appeal Ref: APP/D0840/W/16/3152705

Building 3, Longlands Bungalow, Longlands, Saltash PL12 4QQ

- 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 K Hodge against the decision of Cornwall Council.
 - The application Ref PA16/00554, dated 18 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is the change of use of an agricultural building and land within its curtilage to form a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). Schedule 2, Part 3, Paragraph W of the GPDO sets out the procedure for applications for prior approvals under Part 3. Under Paragraph W.(3)(b) it states that the local planning authority may refuse an application where, in their opinion, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval.
3. Subsequent to my visit to the site and further information supplied, both parties acknowledge that the appeal site has been subject to works recently undertaken. I have determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. The appeal proposal relates to the conversion of a single-storey agricultural building to a dwelling house. Class Q(a) in Part 3 of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Use Class C3 (dwellinghouses), and building operations reasonably necessary to convert the building.
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6. In comments submitted after my site visit, the appellant accepts that works have been undertaken on the existing building. These have involved the removal of the western part of the structure and its replacement with new supporting pillars, new roof trusses and an overall increase in ridge height. The appellant states that these works were in response to an urgent need to make the building fit for housing livestock; and considers these works are in accordance with a current planning permission. He adds that it is for the Inspector to decide whether or not the extent of the works is acceptable.
7. It is unclear from this statement whether or not the appellant considers that the works undertaken relate to the conversion that is proposed in the appeal application. However, it is difficult to see, having carried out works to such an extent, that they would not now be retained and become part of the proposed new dwellinghouse.
8. Paragraph Q.1 outlines the limitations to the change to residential use, and under Q.1(g) establishes that development is not permitted where the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. Clearly, the new structure exceeds the dimensions of the existing building shown on the application drawings. If it is being contended that the works have been carried out as part of the proposed conversion then they cannot therefore amount to permitted development in the terms of Schedule 2, Part 3, Class Q of the Order. Furthermore, there is no mechanism for retrospective prior approval and so the appeal would automatically fail on this basis.
9. If, on the other hand, it is being suggested that the works do not form part of the proposed residential conversion then it seems to me that – irrespective of its merits – the scheme that was the subject of the appeal application is incapable of being implemented. Part of the existing building has been removed, and cannot therefore be the subject of the conversion that is shown on the appeal drawings. The development permitted by Class Q relates to the conversion of agricultural buildings rather than the creation of new structural elements.
10. For the above reasons, I consider the proposal would not comply with the limitations and restrictions applicable to the proposed development under Q.1(g) and Q.1(i) of the GPDO. As such, it could not benefit from deemed permission under Schedule 2, Part 3, Class Q.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

H Porter

INSPECTOR