

Appeal Decision

Site visit made on 14 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 07 December 2016

Appeal Ref: APP/K0425/W/16/3155301

**Silvretta Barn, Lower Ickneild Way, Longwick, Princes Risborough,
Buckinghamshire HP27 9SA**

- 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 Mrs Glennys Gomme against the decision of Wycombe District Council.
 - The application Ref 16/05276/PNP3Q, dated 1 February 2016, was refused by notice dated 29 March 2016.
 - The development proposed is to convert part of Silvretta Barn into C3 residential use.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the appellants appeal form and the Council's decision notice as there is no description contained in the original application form.

Main Issue

3. The main issue is whether the proposal would be permitted development.

Reasons

4. Class Q permits development consisting of the change of use of a building (and any land within its curtilage) from an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q also allows any building operations reasonably necessary to convert the building.
 5. The Council have confirmed that they consider the site and the building to be in agricultural use. Based on this evidence I must conclude that the requirements of Q.1.(a) are met with regard to the site being used solely for agricultural use as part of an established agricultural unit on 20 March 2013. The Council have also confirmed that the development would comply with the criterion in Q.1 (b) to (h) inclusive, and (j) to (m) inclusive and I have no reason to disagree.
 6. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than: (i) the installation or replacement of — (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity,
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- gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building.
7. Paragraph 105¹ of the Planning Practice Guidance (PPG) provides further clarification. The guidance states 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.
 8. The appeal property is a five bay building, constructed with a steel frame and a concrete floor slab. The rear wall is constructed with breeze blocks, as is part of the north-west side. The remaining side walls are clad with profiled metal sheeting. The roof is formed of profiled sheeting with some clear panels to allow light to penetrate the building.
 9. The permitted development right described in Part Q relates to the conversion of a building. For that right to apply the building must first be capable of functioning as a dwelling. The Design and Access statement indicates that it is proposed to strip the existing fabric back to the steel frame, and use a new lightweight wall and roof construction. Therefore the only element of the building remaining (as part of the appeal development) would be its metal frame.
 10. Although I accept that substantial works could fall under the scope of Class Q, they nonetheless presuppose that the works comprise a "conversion". In this case, the building works outlined above include the complete removal and replacement of all walls and the roof. To my mind this goes well beyond what could reasonably be described as a conversion. In coming to that conclusion I acknowledge that the existing steel frame of the building would be the main structural element of the building.
 11. Given the above I must conclude that the works necessary to create a dwelling from the building on site would not fall within the scope of that permissible under Part Q(b) and therefore would not be permitted development.
 12. The Council have also questioned whether the building would require strengthening to support its use as a dwelling and that the building cannot be reasonably described as being of substantial construction. The Appellants grounds of appeal indicate that a structural report has been completed following the refusal of planning permission. However, this has not been provided to me.
 13. Notwithstanding that, I have already found that the proposal would not be permitted development for the reasons stated above. Therefore, I have not considered it expedient to consider this matter in any further detail.
 14. I have also taken into account the letter of support submitted during the Council's public consultation period. However, this does not alter the facts of the case outlined above.

¹ Reference ID: 13-105-20150305 – Revision date 05 03 2015

15. I have also been referred to a recent appeal decision at Poplars Farm². However very limited details of this have been provided to me and it would appear that this relates to a materially different development as it includes the construction of a first floor. Moreover, each case must be determined on its individual evidence.

Conclusion

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

Chris Forrett

INSPECTOR

² APP/K0425/W/15/3006285