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# Appeal Decision

Site visit made on 31 October 2016

**by Helen Cassini BSc(Hons) DipTP MRTPI**

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

**Decision date: 07 December 2016**

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**Appeal Ref: APP/Y2736/W/16/3156982**

**High Roans, Sheriff Hutton Road, Strensall, York, North Yorkshire  
YO32 5TS**

- 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 Robert Ruddy against the decision of Ryedale District Council.
  - The application Ref 16/00180/GPAGB, dated 31 January 2016, was refused by notice dated 24 March 2016.
  - The development proposed is the conversion of an existing barn to form a single dwelling. The inclusion of a surrounding area of site to allow for garden space, vehicle access and parking. The barn forms part of a collection of buildings on the site which make up an agricultural holding (holding no. 48/099/0001). This holding as shown in the blue line around the proposed barn in a separate planning unit will be retained as a single holding.
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## Decision

1. The appeal is dismissed.

## Background

2. The appellant submitted a notification for prior approval under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for change of use of the agricultural building to a residential use. Class Q of the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably necessary to convert the building, is permitted development. I note that this is a re-submission of a previous application made in August 2015<sup>1</sup> which was refused and the appellant has subsequently aimed to address the issues for refusal.
3. Where development is proposed under Class Q(a) together with Class Q(b), it is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to (a) transport and highway impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.

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<sup>1</sup> Council reference 15/00929/GPAGB

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4. Furthermore, the Council also state that due to the farm operations within the adjacent farm yard and agricultural buildings that the amenity of any future occupiers would be significantly harmed. As such, the Council contends that the proposal fails against the conditions set out in Class Q.2 of the GPDO in respect of being within an impractical and undesirable location on the site.
5. Both the appellant and the Council have made reference to various appeal decisions<sup>2</sup>. I have considered these and accept that there are parallels with the proposal before me. However, there are also differences. I am not convinced that the proposals in these other appeals are so similar to those in the present case that I am in any way bound or constrained by them. I must, and have, reached my conclusions on the basis of the evidence before me.

### **Main Issues**

6. The main issues are:
  - (i) whether the proposal would be permitted development, with particular regard to whether the specific requirements of paragraph Q.1. (i) of the GPDO would be met; and
  - (ii) if so, whether or not prior approval should be granted having regard to the assessment of transport and highways impacts, noise impacts, contamination, flooding, location or siting, and the design or external appearance of the building.

### **Reasons**

#### *Whether the proposal would be permitted development*

7. The appeal site consists of a Dutch barn adjacent to two other agricultural barns which, from both the submitted evidence and observations on site, I understand are being used for general storage and the housing of livestock. The barn comprises a steel frame with corrugated galvanised steel sheets to three of its four sides and a curved steel truss roof. The western gable elevation consists of full width sliding double doors, with the eastern gable elevation being fully enclosed.
8. There is no dispute that the current proposal meets the requirements of Schedule 2, Part 3, Class Q, paragraphs Q.1 (a) to (h) and Q.1 (j) to (m). However, the Council refused the notification for prior approval as they consider the proposal requires building operations which exceed those permitted under paragraph Q.1 (i).
9. The GPDO states at paragraph Q.1.(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
10. The PPG states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It further indicates that, for the building to function as a dwelling, some building

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<sup>2</sup> Appeal references: APP/K2610/W/15/3004985, APP/H0928/W/15/3028105 and APP/Y2736/W/16/3148123

operations which would affect the external appearance of the building and which would otherwise require planning permission would need to be undertaken, should be permitted. However, the PPG clarifies that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have permitted development rights.

11. The application included a structural report prepared by Capstone Consulting Engineers in February 2016. This confirmed that the main steel frame is in good overall condition with no significant signs of deformation and only surface corrosion to the structural steel columns that do not affect its structural integrity were evident. Minor localised repairs were recommended to two of the inner trusses. The report suggests that the condition and alignment of the steel frame does not indicate that any substantial works would be required. Based on my observations of the barn, I have no reason to take a different view with respect to its existing condition.
12. The submitted plans identify conversion of the barn to create a 3 bedroom residential dwelling on two levels. The steel frame and corrugated sheets would be retained. Where necessary, the installation and replacement of exterior walls, roofs, doors and windows, together with the provision of water, drainage, electricity, gas or other services would fall within building operations reasonably necessary for the building to function as a dwellinghouse.
13. Notwithstanding the above, in considering the suitability of the existing building for conversion to residential accommodation, the structural report indicates that it would be advisable to provide a detailed assessment of the existing barn trusses to confirm whether they are capable of accommodating the increase in weight of the roof. The report further states that should the assessment find that the existing roof is not capable of accommodating an increase in weight then there will be the opportunity to provide additional support via new internal partitions and portal frames.
14. I acknowledge that the structural report states that any increase in the weight of the roof is likely to be modest. However, the need for a further assessment introduces a significant element of doubt in my mind about whether the existing building is structurally strong enough to support the additional weight involved in providing for a residential use. It provides little reassurance that it is. On this basis, I consider there to be a reasonable likelihood that new structural elements will be needed.
15. In addition, the structural report concludes that it would appear feasible and practical to convert the existing building to residential use via the introduction of an inner framework to support the first floor, insulation and window frames and doors without any need for any significant structural alteration, demolition or re-construction. I note that the appellant argues that the installation of such internal structural elements is not covered by Class Q.
16. I accept that works falling within s55(2)(a) do not need to be covered by Class Q, as s55(2)(a) of the Town and Country Planning Act 1990 states that "the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not

materially affect the external appearance of the building” does not constitute development.

17. However, s55(2)(a) only applies to works of maintenance, improvement or other alteration and Class Q only relates to works reasonably necessary to convert the building. Therefore due to the likelihood for the need to introduce new structural elements and also the load bearing sub-structure for the first floor, I consider that the proposal before me goes beyond the conversion of the building and as such, so falls outside the permitted development right.
18. For the reasons set out above, and having had regard to all matters raised, I conclude that the proposal would go beyond the building operations reasonably necessary to convert the building to a dwellinghouse, contrary to Class Q (b) and paragraph Q.1 (i). The proposal does not, therefore, constitute permitted development.

*Prior approval*

19. The Council’s second reason for refusing to grant approval relates to the amenity of future occupier’s and the conditions set out in Class Q.2 in respect of being within an impractical and undesirable location on the site.
20. Given my conclusion that the proposed change of use would not be development permitted under Class Q, there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

**Conclusion**

21. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance, and cannot be addressed under the prior approval provisions set out previously.
22. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Helen Cassini*  
INSPECTOR