
Appeal Decision

Site visit made on 1 June 2016

by Jennifer Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 07 December 2016

Appeal Ref: APP/Y0435/W/16/3142401

**The Byre, Astwood Grange Farm, Astwood, Newport Pagnell, Bucks
MK16 9JT**

- 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 Alan Williams against the decision of Milton Keynes Council.
 - The application Ref 15/01216/FUL, dated 2 May 2015, was refused by notice dated 15 July 2015.
 - The development proposed is the conversion of cattle building into two, two bed dwellings and one, one bed dwelling in all comprising a terrace of three properties with parking to the front and garden to the front and rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is whether the proposal would be permitted development.

Reasons

3. Class Q (a) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015¹ (as amended) ("the GPDO") permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses). Additionally, Class Q(b) allows building operations which are reasonably necessary to convert the building to a Class C3 use. Paragraph Q1 sets out specific circumstances under which development is not permitted and paragraph Q2 sets out conditions applying variously to Q(a) and Q(b) development.
4. The Planning Practice Guidance (PPG) explains that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling, but that it is not the intention of the permitted development right to include the construction of new structural elements for the building.
5. The Council refused to grant prior approval on the basis that the proposal was not a change of use and conversion and that the works proposed would exceed the building operations allowed under the terms of Class Q. I am required to assess whether the proposal would comply with any conditions, restrictions or

¹ Class and paragraph references hereafter refer to Schedule 2, Part 3 of the GPDO 2015

limitations applicable to development under Class Q. There is nothing in the evidence which would lead me to conclude that the building is not an agricultural building as part of an agricultural unit, or that the proposals would not meet the definition of curtilage set out in Paragraph X. Nor is there any evidence to suggest that the cumulative number of units proposed or the floor space proposed to change use would exceed what is permitted under the terms of Class Q.

6. The proposal is described as a conversion to three dwellings. Floor plans and elevations are provided of the existing building and the proposals which are shown as a single storey development. The existing building comprises two distinct elements which for simplicity I refer to as the eastern and western buildings. The western building is steel framed and has a higher eaves and ridge height than the eastern building. The western building, together with one bay of the eastern building, is not proposed to change use or be converted. That part of the eastern building which is proposed for a change of use, although described in the Council's evidence as a timber framed building with timber cladding, has walls comprising for the most part dwarf brick walls with horizontal concrete panels above which are set between concrete posts. Two bays of the north elevation of the east building have timber cladding. The east elevation includes the main entrance into the building which is closed by sliding timber doors, and the south elevation of the eastern building has two open bays.
7. The application states that the conversion would retain the whole of the existing supporting frame of the building including the angle iron and concrete. Dwarf brick walls would be retained and, where possible, existing wall cladding. The roof would be replaced with an insulated composite box section metal sheet roof. The external walls would be clad in timber and new uPVC windows and doors would be installed.
8. The internal layout and structure of the existing building is not shown on the plans in detail. Although a cross section is provided, it does not show details of the existing roof structure. The low brick platforms adjoining the northern and eastern walls are not shown on the existing floor plans. There is no explanation of whether the low brick platforms play any structural role in relation to the external walls; the proposed plans do not indicate they would be retained. The written information which accompanied the application refers to the building's frame sitting on the existing dwarf walls. However, no structural report is provided and, from what I observed during my site visit, the dwarf brick walls are constructed between the concrete uprights of the external frame.
9. The proposal drawings show the external walls would be timber clad and this is also stated on the application form. It is also stated that the existing cladding would be retained where possible. The drawings are not sufficiently detailed to show how this would be achieved or the extent to which the concrete panels, which form a large proportion of the external walls, would be retained. Consequently, the extent to which the walls would be rebuilt is not clear. Paragraph 4.3 of the appellant's grounds of appeal state that the existing wall cladding would be clad with timber. It is also stated that the existing building would not be extended. However, if timber cladding is to be fixed to the existing concrete panelling, it has not been demonstrated that the proposals

- would comply with the requirement in paragraph Q.1.(g) that the external dimensions of the existing building should not be exceeded at any given point.
10. The existing roof covering is corrugated sheeting. The internal roof structure is composed of a series of angle iron roof trusses. From what I was able to observe these trusses are supported by the concrete uprights of the external walls. There are in addition a number of vertical posts within the building which are connected to the roof structure. In the absence of a structural report, I cannot be certain whether these provide any structural support to the roof or are simply a means of subdividing the internal space of the agricultural building.
 11. It is proposed to replace the existing roof with an insulated light weight roof. The appellant's evidence includes a comparison of the relative weight per square metre of corrugated fibre cement sheeting and that of a lightweight replacement. This indicates that the replacement roof covering would be lighter than the existing roof covering and therefore there would be no additional loading on the existing frame.
 12. The western elevation shown on the existing and proposed plans appears to show the external wall of the western building which is not included within the proposed change of use. The floor plans indicate a wall would be constructed inside the eastern building to form the end wall of the terrace of three dwellings. The plans do not indicate any wall in this position at present. The floor of the existing building is stated by the Council to be earth and there is nothing within the appellant's evidence to indicate otherwise. I am not provided with an explanation as to how the proposed wall, which would be around 12 metres in length, would be constructed without requiring foundations. The excavation and installation of foundations are not included within the works set out in Class Q(b) as being works reasonably necessary to convert the building to a dwelling.
 13. Paragraph W(9) of the GPDO states that the local planning authority may seek additional information in relation to applications for prior approval. Whilst the appellant refers to the Council not having sought additional information, Paragraph W(3) makes clear that an application may be refused where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions.
 14. Although the appellant asserts that there will be no new structural work as a consequence of the proposed development, I find the evidence is not sufficient for me to be satisfied that this would be the case. The extent of the building to be retained is not sufficiently clear for me to determine whether the proposals would be a change of use of the existing building and whether the building is capable of conversion. On the basis of the evidence provided it is not clear that the proposal would satisfy the limitations set out in Class Q, Paragraph Q1 (g). Consequently I do not have sufficient information to conclude that the proposal would be permitted development.

Other matters

15. A previous application for prior approval relating to a change of use of the appeal building to dwellings was dismissed following an appeal decision in

December 2014². Planning Practice Guidance has since been revised in respect of permitted development rights for reusing agricultural buildings. I am not provided with any drawings of the scheme which was before the Inspector at that time but the evidence indicates it differed from the scheme which is before me. Whilst I have noted this earlier decision, I have assessed the appeal which is before me on the basis of the information supplied with it and in the context of the current GPDO and PPG.

16. The Council refer to an appeal decision made in July 2015³ in another part of the Council's area. The appeal against the refusal of prior approval related to, amongst other alterations, the insertion of a first floor to create a two storey dwelling. The building in question was steel framed and apparently open sided. The Inspector in this case concluded that the works would be tantamount to the erection of a new dwelling. I am also referred to an appeal decision⁴ relating to a steel framed agricultural building in Northamptonshire and where the Inspector concluded that the whole building would be likely to be demolished and rebuilt. Whilst I have noted these decisions, I consider that the circumstances are not sufficiently similar to the current proposals for these decisions to have a bearing on my determination of this appeal.

Conclusions

17. For the reasons given above, I conclude that the appeal should be dismissed.

Jennifer Tempest

INSPECTOR

² APP/Y0435/A/14/2225152

³ APP/Y0435/W/15/3005863

⁴ APP/Z2830/A/14/2229278