
Appeal Decision

Site visit made on 13 December 2016

by David Walker MA MRTPI

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

Decision date: 12th January 2017

Appeal Ref: APP/W1145/W/16/3156231

Farm Building at Camp Farm, St Giles on the Heath, Launceston, Cornwall PL15 9SL

- 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 Order).
 - The appeal is made by Mr and Mrs Roger Daniel against the decision of Torridge District Council.
 - The application Ref 1/1261/2015/AGMB, dated 3 December 2015, was refused by notice dated 25 February 2016.
 - The development proposed is change of use of agricultural building to C3 residential dwelling with a small residential curtilage and use of an existing gateway for access with an off road parking and turning area.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (the Order) for the change of use of agricultural building to C3 residential dwelling with a small residential curtilage and use of an existing gateway for access with an off road parking and turning area at land at Farm Building at Camp Farm, St Giles on the Heath, Launceston, Cornwall PL15 9SL, in accordance with the details submitted pursuant to Schedule 2, Part 3, paragraph Q.2 (1) of the Order through application Ref 1/1261/2015/AGMB, dated 25 February 2016.
 2. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2 (3) of the Order, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location plan and proposed site plan (only) within drawing no 2014/48.1/C; Existing plans and elevations drawing no 2014/48.2/E; Proposed plans and elevations drawing no 2104/48.1/F; Engineer's Report and method statement dated January 2016.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Schedule 2, Part 1, Classes A to D,
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other than that hereby permitted shall be carried out without the further grant of planning permission.

Application for costs

3. An application for costs was made by Mr and Mrs Roger Daniel against Torridge District Council. This application is the subject of a separate Decision.

Main Issue

4. The application to the Council was made under Class Q (a) and Class Q (b) of the Order for a determination as to whether prior approval would be required for the matters set down at paragraph Q.2 (1) of the Order. The Council's reason for refusal states that the proposal cannot amount to a permitted development as it involves structural works not allowed under Class Q. All other requirements and limitations of Class Q have been accepted by the Council.
5. On this basis I consider the main issue to be whether the proposal would consist of building operations reasonably necessary for the building to function as a dwellinghouse, having regard to the provisions of paragraph Q.1 (i)(i) of the Order.

Reasons

6. It is a requirement of Class Q changes of use that any building operations are 'reasonably necessary' to convert the building to a dwellinghouse. Clarification is provided within the Planning Practice Guidance (the PPG) where at paragraph ID: 13-105 it is stated that it is not the intention of the permitted development right to include the construction of new structural elements for the building.
7. Proposed building operations include the demolition of minor external structures, the provision of a new roof and floor, and the rebuilding of a 2 m stretch of wall adjacent to the proposed entrance. The appellants concede that no intrusive investigations or any structural calculations have been carried out to ascertain with some certainty the condition of the building. However, having regard to the light-touch approach advocated by the PPG for applications for prior approval I find the assessment¹ provided by the engineer to provide a persuasive argument that the structure is sound. I have no alternative assessment before me to indicate otherwise.
8. The foundation required of the short stretch of wall described would, in the simplest sense, amount to a structural element. However, it would not be a determining factor in the overall suitability of the building for conversion. An alternative approach suggested by the appellants would include the provision of patio doors that would not require a foundation. Therefore, whether or not the new foundation was provided the building would remain strong enough to achieve the conversion. Any additional structural support that would be provided by the new wall and foundation would be incidental.
9. Although the new roof trusses described would provide structural support to a new roof covering, the works listed at paragraph Q.1 (i)(i)(aa) of the Order are not restricted to only a replacement roof covering. There is nothing within the Order or paragraph ID: 13-105 of the PPG therefore to indicate that a new roof

¹ Engineers Report on Camp Farm Barn prepared by A.W.Weed C Eng MICE, January 2016

comprising of both the supporting timber work and covering would not be permissible under the permitted development right.

10. On the basis of the available evidence, therefore, I am satisfied that the engineer's report contains a suitably proportionate level of detail to demonstrate that the proposal would consist of building operations reasonably necessary for the building to function as a dwellinghouse. Having regard to the provisions of paragraph Q.1 (i)(i) of the Order the proposal would as a result amount to a permitted development.
11. The prior approval is granted subject to the standard condition set down at paragraph Q.2 (3) of the Order that the development must be completed within a period of 3 years from the date of this decision. I have also given consideration to the additional conditions suggested by the Council and agree that the plans approved should be identified in the interests of certainty. I also agree that it is necessary to restrict further rights to extend the permitted dwelling without permission in the interests of safeguarding the character and appearance of the countryside.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

David Walker

INSPECTOR