
Appeal Decision

Site visit made on 28 December 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/Y3425/W/16/3159680

Woodview Farm, Fulford Road, Spot Acre, Stone, Staffs ST15 8RN

- 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.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Dodd against the decision of Stafford Borough Council.
 - The application Ref 16/24287/PAR, dated 25 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is described as 'Conversion/change of use of a single storey agricultural building to form a Class 3 dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in my decision is a shortened version of that which appears on the application form, omitting elements which do not describe the development.
 3. The reference number for the application was given as 15/24287/PAR in the Council decision notice. However, the Council has confirmed that this was incorrect and I have used the corrected number in my decision.
 4. The application subject to appeal was submitted under the prior approval provisions in Class Q.2 of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('Class Q' of the 'GPDO'). As the proposal includes both the change of use of the building and related building operations, I have dealt with the appeal on the basis that it was submitted under the provisions relating to both Class Q(a) and Q(b).
 5. The Council's reason for refusal focussed specifically on the criteria in paragraph Q.1(i) of the GPDO. The evidence before me also refers to the more general question of whether the proposed building operations would be reasonably necessary to convert the building to residential use i.e. whether they would fall within the scope of Class Q(b) as a whole. I have framed my main issue accordingly.
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Main Issue

6. The main issue is whether the proposed building operations would constitute conversion works covered by Class Q(b) of the GPDO.

Reasons

7. To qualify as 'permitted development' under Class Q(b) of the GPDO, building operations must be '...reasonably necessary to convert the building...' to dwellinghouse use.
8. The Planning Practice Guidance (PPG)¹ confirms that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. The PPG also confirms that the permitted development right is not intended to include the construction of new structural elements, and that '...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'.
9. The inclusion of the words '... reasonably necessary...' and '...convert...' in Class Q(b) imply clear limitations on what may be undertaken within the scope of this Class. The High Court judgement referred to by the Council² explored the boundary between 'conversion' and 'rebuild' (or 'fresh build') operations. Building operations which are tantamount to the latter are not generally covered by Class Q. Furthermore, proposed works do not necessarily need to include complete demolition of an original structure to be classed as 'rebuild' or 'fresh build'. Where they include stripping a building down to its skeletal structure and re-using this within the proposed development, they will not necessarily fall within the scope of Class Q.
10. The building subject to appeal is in three main sections. Structural support is provided mainly by a combination of 2 metal stanchions (one at each end of the larger, central section of the building), timber posts and beams and foundations. The building's walls are for the most part covered by un-insulated metal and timber cladding.
11. Due to its mode of construction I do not consider the building in its current form to be capable of functioning as a dwelling. A key issue which follows from the wording of the GPDO and PPG referred to above, however, is whether the proposed works would constitute what would reasonably be regarded as 'conversion' as opposed to 're-build' operations. If they would be the latter, the permitted development right does not apply. The works must also not be excluded from being permitted development by paragraph Q.1(i).
12. The proposed development includes the retention of the steel and timber structural frame. A Structural Condition Survey (SCS), Construction Method Statement (CMS) and structural calculations, prepared by a qualified structural engineer were all submitted with the application. The SCS states that the structural steel frame of the building generally appears to be in a reasonable condition and that the overall condition of the barn is such that a successful conversion can be completed. The structural calculations document and further

¹ Paragraph: 105 Reference ID: 13-105-20150305

² Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors [2016] EWHC 2853 (Admin) (09 November 2016)

- e-mail correspondence that has been submitted state in effect that the existing foundations can support an appropriately designed timber framed residence.
13. However, all the walls of the building would be completely replaced by new timber panels and larch cladding and the roof would be completely replaced with fibre cement sheeting.
 14. The CMS and SCS also contain a number of statements which indicate that further investigations are needed concerning the structural elements of the building. The CMS states in paragraph 4.8 for example that '...all structural steel work should be assessed for suitability...'. The SCS states, in paragraph 4.1.2 that '...all timber members should be assessed for suitability and condition...'. Paragraph 5.1.2 of the SCS states that '...where inappropriate the structural steel work should be suitably strengthened...'. Paragraph 4.7 of the CMS states that '...it is likely that the existing supporting structure to the roof will need to be replaced'. This supporting structure could reasonably be regarded to constitute a structural element in the context of the PPG.
 15. In summary, if the proposals were to proceed the building would be stripped down to its skeletal structural elements, the walls and roof would be completely replaced, the supporting structure to the roof would probably be replaced, and depending on the outcome of further investigations other structural elements may need to be replaced.
 16. Paragraph Q.1(i) refers to the installation or replacement of walls and roofs and does not set any limit on the number of wall or roof sections to be replaced. However, given the nature and extent of the proposed works, I do not consider that they would fall within the scope of 'conversion' works permitted by Class Q(b). They would be tantamount to a new building being erected, albeit using skeletal elements of the existing structure.
 17. I have noted the appeal decisions submitted by the Appellant. However, limited details of the works involved in these proposals have been provided. The Inspector's decision for the appeal concerning the site at Launceston³ identifies that the structural report referred for example to the building being in excellent order and sufficiently robust without additional structural elements. The structural report therefore appears to have been substantially less heavily caveated than that concerning the current appeal.
 18. In the appeal decision concerning the site in Edenbridge, a key issue identified by the Inspector⁴ related to whether increasing the floor height was a structural work required to convert the building. As set out above, the key questions relating to the current appeal are of a broader nature. I do not consider that either of the submitted appeal decisions relate to proposals where the material circumstances replicate those of the current appeal.
 19. For the reasons which are set out above, the proposed building operations would not constitute 'conversion' works covered by Class Q of the GPDO. It has also not been demonstrated that they would meet the criteria in paragraph Q.1(i) of this Class.

³ Appellants statement appendix 1 – paragraphs 12 and 13

⁴ Appellants statement appendix 2 – paragraph 9

Conclusion

20. I have found that the proposed building operations would not constitute 'conversion' works covered by Class Q of the GPDO or demonstrably meet the criteria in paragraph Q.1(i). This means that they do not constitute permitted development under this Class.

21. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR