
Appeal Decision

Site visit made on 4 January 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 19th January 2017

Appeal Ref: APP/J3720/W/16/3158818

Traps Green Farm, Forde Hall Lane, Tanworth in Arden, Warwickshire B94 5AX

- 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 Ms C Bowen against the decision of Stratford on Avon District Council.
 - The application Ref 16/00281/COUQ, dated 22 January 2016, was refused by notice dated 18 March 2016.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Use Class C3) including building operations reasonably necessary to convert the building to a dwelling.
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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 for the change of use of agricultural building to a dwellinghouse (Use Class C3) including building operations reasonably necessary to convert the building to a dwelling at land at Traps Green Farm, Forde Hall Lane, Tanworth in Arden, Warwickshire B94 5AX in accordance with the terms of the application Ref 16/00281/COUQ, dated 22 January 2016, and the plans submitted with it.

Procedural Matter

2. I have used the description of development given on the appeal form as this provides the most concise definition of the proposal.

Main Issues

3. Planning Practice Guidance states that the starting premise for Class Q is that the permitted development right grants planning permission, subject to the prior approval requirements. The provisions of the GPDO require the local planning authority to assess the impacts of the proposed development in respect of transport, highways, noise, flooding and contamination risk and whether the building's siting or location makes it otherwise impractical or undesirable for it to change from agricultural to residential use. The Council does not object to the proposal in relation to any of these matters as it has already granted approval under Class Q(a).
 4. In addition to the above matters, applicants must apply to the local planning authority for a determination as to whether the works proposed to convert the
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building would fall within those reasonably necessary to enable that conversion. Prior approval is also required regarding the design or external appearance of the building. The Council's decision notice indicates that the application was refused on both counts.

5. Having regard to the above, the main issues in this appeal are:

- whether the proposed building operations would go beyond what is reasonably necessary to convert the building, such that they would fall outside the scope of what is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO); and
- if permitted and not excluded under Class Q, whether prior approval is required in relation to the design or external appearance of the building.

Reasons

Whether the proposal is permitted development

6. The building in question is a large steel framed barn with one of its sides being open. Its walls comprise a combination of concrete blockwork between the steel uprights up to about half their height with corrugated sheeting above to fill in up to eaves level. In addition, another part of the building provides a series of modestly sized brick built rooms which adjoin the main barn. These once formed a milking parlour, dairy and a small space for storage and can be accessed separately or from within the main barn.
7. Class Q of the GPDO makes clear that building operations are permissible where they are reasonably necessary to convert the building. Paragraph Q.1(i) restricts the operations that 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, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and (ii) partial demolition to the extent necessary to carry out the building.
8. Paragraph 105 of the Planning Practice Guidance¹ (PPG) seeks to clarify this and 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.
9. The Council is of the view that the building is not structurally strong enough based on the extent of the new walls and roof proposed and in particular, the need to reinforce the roof. Whilst it is evident that extensive works are required to convert the building, in my view, the proposed roof reinforcement would form part of the overall provision of a new roof and would not represent a new structural element. The provision of a roof includes the supporting structure as well as its covering. Moreover, there is no empirical evidence to indicate that the existing structure could not accommodate the loading of the new timber wall cladding, which would be relatively lightweight and from what I saw, the structure appears sound and in good condition.

¹ Reference ID: 13-105-20150305

10. Accordingly, none of the works proposed fall outside the scope of those set out in the GPDO and the proposal is therefore permitted development.

Design and external appearance

11. The building has a shallow pitched roof, the profile of which would remain unchanged and no works are proposed that would increase the building's size, thus maintaining its existing overall form.
12. However, a number of new windows and doors would be set within each of the building's elevations and they would be of varying heights and proportions. One window in particular, in one of the end elevations, would be so tall that it would almost touch the underside of the roof. In combination with the other windows next to it, this would create a somewhat jumbled appearance to this part of the building.
13. However, this would affect only one elevation and I recognise that the form of the building is such that its conversion to a well-designed dwelling is a difficult proposition. The identified minor harm would be outweighed by the overall significant improvement to the building's appearance resulting from the installation of the proposed timber cladding and new roof.
14. Furthermore, the site is set well away from the nearby lanes and although there is a Public Right of Way (PRoW) running past the site, there is no evidence to indicate that it is extensively used. In any case, those using the PRoW would experience only transient views of the building and it may provide an element of curiosity for some. Overall, on balance, the design and appearance of the building would be acceptable.

Conclusion

15. I therefore conclude that the building operations proposed are permitted under the provisions of Class Q and the design and external appearance would also be acceptable under the Class Q provisions.
16. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector