
Appeal Decision

Site visit made on 9 January 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/M3645/W/16/3158452

Kingswood Farm, Tandridge Lane, Tandridge, RH7 6LP

- 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 John Young against the decision of Tandridge District Council.
 - The application Ref TA/2016/1302/NC, dated 18 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a change of use from agricultural building to dwelling (C3 use class).
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Decision

1. The appeal is dismissed.

Main Issue

2. Class Q (a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits the 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 to the Use Classes Order.
3. Class Q (b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a) above. Paragraph Q.1 (i) clarifies that development is not permitted by Class Q if the development under Class Q (b) would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.
4. The main issue in this appeal is therefore whether the proposal would accord with Class Q (b) and the requirements of paragraph Q.1 (i) of the GPDO.

Reasons

5. The appeal concerns a large steel framed barn used in connection with agriculture for the storage of machinery and materials. The sides are largely open although a low single skin block wall partially encloses three sides. The roof is clad with corrugated sheeting. There is no formal hardstanding slab within the barn, the floor being, in the main, bare ground.
 6. The evidence before me includes a report on the stability of the barn proposed for conversion. This finds that the existing structure is sound and could be
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- incorporated into any domestic dwelling conversion proposals. The Planning Practice Guidance (PPG), however, sets out that the existing building must be structurally strong enough to take the loading which comes with the external works to provide for residential use to be considered to have the permitted development right.
7. The report speculates that the steel column legs are supported on "*some form of concrete pad foundation*" but states that trial hole excavations would be needed to check their suitability for conversion. In the worst case, the report sets out that some localised minor underpinning would be required. The foundation of the block wall is also not known. Whether the building is structurally strong enough for conversion is therefore not known.
 8. The PPG also sets out that it is not the intention of the permitted development right to include the construction of new structural elements for the building. The report explains that with conversions of this nature new foundations or a reinforced concrete slab are usually provided therefore the steel frame would need to carry only cladding and insulation loads. This further suggests the frame is not capable of supporting, for example, the new walls, windows, doors etc. required to provide for residential use. Support for these, it appears, would be provided by new foundations which would be a new structural element. Furthermore, the report states that additional purlins may be required depending on the type of roofing to be used. Purlins are also a structural element of a building.
 9. From the evidence before me the existing building is not structurally strong enough to take the loading which comes with the external works to provide for its change to residential use. To do so would require new structural elements. As in the case of *Hibbit and Another –and- Secretary of State for Communities and Local Government* (1) Rushcliffe Borough Council (2) a development that includes new structural elements is one that involves a degree of rebuilding and as such is not a conversion. I therefore conclude that the proposed works would go beyond building operations reasonably necessary to convert the building as set out in Class Q (b) and paragraph Q.1 (i) of the GPDO.
 10. Reference is made to a large number of consents for barn conversions and I note the appellant's concern over consistency in decision making. I do not have full details of these in order to make any meaningful comparisons, but I do note that the extracts before me refer to less extensive works to convert. Notwithstanding the above, in such cases as these it is for the decision maker to assess the evidence before them and come to a conclusion as to whether they fall within the statutory limits.
 11. Whilst I acknowledge that the proposal would not materially harm the character of the area and would contribute to local housing supply I can only consider whether the proposal complies with the relevant limitations and restrictions set out in the GPDO.
 12. For the reasons set out above, and having had regard to all matters raised, I conclude that the proposal does not constitute permitted development. Consequently the appeal is dismissed.

Hayley Butcher

INSPECTOR