
Appeal Decision

Site visit made on 20 December 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/Z3825/W/3158801

Oakwood Farm, Hooklands Lane, Shipley RH13 8PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended 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 M Power against the decision of Horsham District Council.
 - The application Ref DC/16/1398, dated 15 June 2016, was refused by notice dated 17 August 2016.
 - The development proposed is the conversion of agricultural barns to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the description of development within the banner heading above from that used in either the application form or the Council's decision notice as building operations are proposed alongside change of use. Consequently the development proposed relates to Schedule 2, Part 3, Classes Q(a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO').
3. Application Ref DC/16/1398 follows unsuccessful application Ref DC/16/0752. Various information before me references this former application, however this appeal is in relation to the scheme proposed via application Ref DC/16/1398 and I have determined that proposal on its particular merits.¹

Main Issues

4. There is no dispute that the proposal to which this appeal relates meets the requirements of Schedule 2, Part 3, paragraphs Q.1(a) to (h) and (j) to (m) of the GPDO. There is similarly no dispute that certain building operations proposed are compliant with the provisions of paragraph Q.1(i).
5. However the first main issue based on the information before me is whether the building operations proposed would effectively amount to the creation of

¹ Being plans entitled 000, 001, 002, 003, 020, 021 revision 02, 022 revision 01, 023 revision 01, 024, 025, and a version of 001 annotated as to how it relates to the appellant's Survey Report Relating to Structural Stability of Proposed Barn Conversions, prepared by VKHP Consulting, civil and structural, dated 13 June 2016.

new structural elements to the building beyond that which is permitted by paragraph Q.1(i), and hence whether or not the development proposed is permitted development.

6. Schedule 2, Part 3, Paragraph Q.2 of the GPDO sets out that where the development proposed is 'under Class Q(a) together with development Class Q(b)' development is permitted subject to an application to the local planning authority for a determination as to whether their prior approval is required in relation to the matters set out in paragraphs Q.2(1)(a) to (f).
7. Subject to relevant conditions the Council do not appear object to the proposal with reference to the provisions of paragraphs Q.2(1)(a) or (c) to (e). However the second main issue in this case is whether or not the proposal would provide for acceptable living conditions for its intended future occupants in respect of noise, with reference to paragraph Q.2(1)(b).
8. The third main issue is whether or not the design and external appearance of the dwelling would be appropriate with regard to its surroundings, with reference to paragraph Q.2(1)(f).

Reasons

Whether or not permitted development

9. The Oakwood Farm estate comprises a Grade II Listed Farmhouse and various other buildings set within extensive land holdings within the open countryside. The proposal is for the conversion of a large four-bay barn, two cart sheds, and a small brick outbuilding into a dwelling (hereafter collectively referred to as 'the barns').
10. The appellant explains that the barns were originally constructed in the nineteenth century, which accounts for their essentially traditional form and the use of timber framing, timber cladding above lower courses of brickwork, and clay roof tiles. The barns enclose a central courtyard, some with open elevations facing this area. The barns appeared to be put to use for the storage of a miscellany of items relating to the estate at the time of my site visit.
11. Schedule 2, Part 3, paragraph Q.1(i)(i) of the GPDO enables the installation of replacement (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 reasonably necessary to carry out such building operations.
12. The Planning Practice Guidance (the 'Guidance') sets out here that 'it is not the intention of the permitted development right to include the construction of new structural elements of 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'.²
13. In this context the Council has brought to my attention the judgement handed down on 9 November in *Hibbitt & Anor v Secretary of State for Communities &*

² Reference ID 13-105-20150305.

Local Government & Ors (referred to hereafter as the 'Hibbitt judgement').³ Briefly stated this judgement addresses the extent to which building operations to facilitate residential use may be considered to amount to a 'conversion' as opposed to rebuilding.

14. The Council's central contention is that the information provided by the appellant is insufficiently detailed to demonstrate that the building operations proposed would not entail additional structural reinforcement. The Council are also of the view that the extent of the works proposed is so significant that they cannot be described as 'conversion', in particular given that certain elevations facing the yard would need to be blocked up, new internal walls are proposed, and the barns would need to be rendered watertight.
15. The appellant has provided a Structural Report.⁴ This identifies some deterioration in the condition of the barns with the passage of time and that certain non-standard modifications have on occasion been undertaken historically. However it identifies that brickwork is essentially sound aside from a few minor areas of deterioration, as is timber framing and cladding, and that there are no significant defects in either floors or roofs present. These findings accord with my site visit observations.
16. As such the Structural Report concludes that the buildings represent 'a barn complex where the existing structure is ideal for the proposals...'. This finding is reiterated in subsequent correspondence,⁵ which explains that 'there is no reason to believe we would need to add any meaningful structure to cater for the conversion loads proposed'.
17. I accept that there may be a need to provide some form of internal structure to support the first floor accommodation proposed in the larger of the barns and the need to investigate and potentially remedy defects to one area of brickwork where mortar has eroded. However works that do not materially affect the exterior of a building are not development.⁶ Thus there is nothing before me to indicate that, were the proposal instead for accommodation provided only at ground floor and granted permission on this basis, in the future a first storey could not be created without the need for express planning consent. Moreover works to enable this first floor are essentially that, there is no indication that they also aim to reinforce the inherent soundness of the existing barns given that the existing structure here according to the Structural Report is 'capable of carrying significant additional load...'.
18. In the case of defects to one area of brickwork, it appears further investigation and potential remedy through underpinning has been referenced in the Structural Report as a precaution rather than indicating fundamental shortcomings in the structural condition of the barns. Furthermore this element of the structure is minor rather than apparently critical to its robustness as a whole, and therefore on the basis of the information before me I am not convinced that it amounts to anything other than a *de minis* aspect of the proposal as a whole.

³ EWHC 2853 (Admin).

⁴ Survey Report Relating to Structural Stability of Proposed Barn Conversions, prepared by VKHP Consulting, civil and structural, dated 13 June 2016.

⁵ Dated 15 August 2015 from VKHP Consulting, civil and structural.

⁶ With reference to Section 55(2)(a)(ii) of the Town and Country Planning Act 1990.

19. Many agricultural buildings are not watertight as this is not necessary for their effective functioning as such. I accept that new flooring and internal walls are proposed, however again these do not strike to the integrity of the existing barns but rather appear to me to be works necessary to facilitate the conversion of the barns from functional agricultural buildings to comfortable residential accommodation.
20. I also acknowledge that some elevations presently open will require blocking up. However these elements are comparatively minor, i.e. in relating principally to two modest elements of the barns facing the internal courtyard. The installation of exterior walls is permitted by Schedule 2, Part 3, class Q paragraph (i)(i)(aa) of the GPDO, and the Council acknowledge that the barn to which the Hibbitt judgement related was essentially open on all four exterior walls. As such, in my view, the proposal before me and the circumstances relevant to the proposal in the Hibbitt judgement are not directly comparable.
21. For the above reasons and on the balance of the evidence before me I conclude that the existing building is structurally strong enough to take the loading proposed, notwithstanding the absence of a detailed construction methodology. Similarly I cannot conclude, with reference to the Hibbitt judgement, that the extent of the works required are so extensive or fundamental so as to mean that the proposal cannot reasonably be described as a conversion. I therefore conclude that the proposal is permitted development with reference to the requirements of Schedule 2, Part 3, paragraph Q.1(i) of the GPDO, and now turn to matters related to paragraphs Q.2(b) and Q.2(f) of that Order.

Noise

22. Schedule 2, Part 3, paragraph W(10)(b) of the GPDO sets out that in determining an application for prior approval under Class Q, regard must be had to the National Planning Policy Framework (the 'Framework') 'so far as relevant to the subject matter of the prior approval'.⁷
23. In this context the Framework sets out that planning should always seek to secure a good standard of amenity for all future occupants of buildings. It further establishes that new development should not be adversely affected by noise pollution, and that business should not have unreasonable restrictions put on them because of changes in nearby land uses.
24. Oakwood Farm comprises an estate of 220 acres of land, some of which is pasture, some arable, and other elements woodland, scrub and farm buildings. Therefore the surroundings of the appeal site are in active varied agricultural use with various buildings within the estate used for associated storage and maintenance. Such surrounding activities clearly have the potential to generate some level of noise.
25. However the appellant has set out that nearby buildings are not presently, nor intended to be, used directly for livestock purposes or the operation of agricultural machinery. This both limits the potential for noise connected with

⁷ Reiterated in Guidance Reference ID: 13-107-20150305.

such activities and indicates that a dwelling thus located would not result in significant constraints on the existing or future operation of the farm.

26. Moreover all relevant building works must adhere to the requirements of Building Regulations in respect of resistance to the passage of sound, which further mitigates the potential for adverse effects in respect of the living conditions of future occupants. Whilst I accept that the appellant's intention to occupy the dwelling may not be enduring, nevertheless the dwelling proposed is likely to attract occupants who value a rural setting and who will elect to reside in this location having taken account of the surrounding land use.
27. For the above reasons I therefore conclude that the proposal would not be liable to result in unacceptable living conditions for its future occupants in respect of noise with reference to the provisions of Schedule 2, Part 3, paragraph Q.2(1)(b) of the GPDO.

Design and external appearance

28. There are few, if any, vantage points from which the barns are visible other than from directly within the Oakwood Farm estate on account of the surrounding rural setting. I also appreciate that alterations to elevations facing the central courtyard enclosed by the barns would be barely perceptible given the screening afforded by the form of the barns themselves and by the walled garden that to the east of the barns which affords some intervening screening between the barns and Farmhouse.
29. However at present the barns are historic buildings, the design of which is consistent with a traditional understated rural aesthetic. In part this design results from the paucity of windows and doors within elevations facing away from the courtyard, an arrangement clearly reflective of their functional agricultural origins as part of the estate. Thus they blend in seamlessly with their rural setting.
30. There are partial views of the western and southern elevations of the barns in conjunction with the Farmhouse, notwithstanding an intervening distance of approximately 60 to 70 metres. These views aid an understanding of the historic development of Oakwood Farm and in my view therefore clearly form part of the visual and historic setting of the Farmhouse as part of a working farm.⁸
31. With reference to the provisions of Schedule 2, Part 3, paragraph W(10)(b) of the GPDO cited above, the Framework establishes that the Government attaches great importance to the design of the built environment, that it is proper to seek to reinforce local distinctiveness, and that great weight should be given to the conservation of a designated heritage asset.⁹

⁸ Whilst the Council's decision notice does not cite that the proposal would adversely affect the setting of the Farmhouse, this matter is expanded upon in paragraphs 5.13 to 5.20 of their appeal statement. The appellant has also addressed this issue in his appeal statement, including a statement that that 'only limited weight can be given to the harm on the setting of the listed building'. As such I am satisfied that no party would be prejudiced by my considering the effect of the proposal on the setting of the Farmhouse.

⁹ The latter relating to the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard is had to the desirability of preserving Listed Buildings and their settings in planning decision-taking.

32. Whilst the proposal would retain the overall form of the barns, various enlarged and new openings are proposed for the installation of doors and windows. These alterations would result in a more complex rather than understated utilitarian appearance to the barns, and thus the barns would appear clearly domestic. In itself this is not determinative given that The Planning Practice Guidance (the 'Guidance') clarifies that decisions in relation to Class Q of the GPDO should be approached from the premise that the principle of the development has already been established,¹⁰ and indeed as the GPDO enables the alteration and installation of windows.
33. However, whilst windows within the southern elevation would be based chiefly on existing openings, they would be of differing proportions and design and the single roof light proposed would disrupt symmetry in the roof form here. I appreciate the openings within the western elevation have been designed to maximise the outlook in this direction, which is chiefly to the distant rolling countryside.
34. However aside from an enlarged glazed barn door opening within the western elevation all nine new windows and doors would be installed where openings are not present. Such windows proposed would in my view relate poorly to the existing proportions of that elevation in that they would not be symmetrically arranged, particularly those proposed within the roof slopes, and would be of different proportions to one another.
35. Thus, particularly but not exclusively in relation to the western elevation proposed, the design of the dwelling would be overly complex, fail to relate well to the existing appearance the barns, and result in a design that would both be incongruous in respect of the natural environs and detrimental to the historic integrity of the barns which presently contribute to the setting of the Listed Farmhouse.
36. I therefore conclude with reference to paragraph Q.2(1)(f) of the GPDO and to relevant elements of the Framework and the Guidance that the design and external appearance of the dwelling proposed is unacceptable.

Other Matters and Planning Balance

37. I have found in respect of the first main issue in this appeal that the proposal is permitted development as, on the basis of the information before me, the barns are structurally strong enough to take the loading proposed and as the proposal taken as a whole can reasonably be described as a conversion. Thus I have approached the remaining main issues in line with the approach in the Guidance, i.e. from the premise that the principle of the development has already been established.
38. However I have found that the design of the proposal, particularly the overly complex and incongruous arrangement of windows and doors, would fail to respond to the rural setting of the barns and adversely affect the setting of the listed Farmhouse. The harm that would result here is not outweighed by my finding on the second main issue, that the proposal would not be unacceptable in respect of noise experienced by future occupants, given that this is

¹⁰ Reference ID: 13-028-20140306.

essentially a neutral factor rather than one that weighs positively in favour of the proposal.

39. I acknowledge that there would be further benefits to the proposal in respect of providing for an incremental addition to housing stock and that some other social and economic benefits would ensue including as a result of supporting employment during construction and as future occupants would make use of services and facilities in the area.
40. However the harm that would result in my view would clearly and demonstrably outweigh these small-scale and thus limited benefits, having taken account of the approach in the Framework and the Guidance. This view is reinforced given that there is no evidence before me to indicate that the scheme in application Ref DC/16/1398 is the only approach to securing the conversion of the barns.

Conclusion

41. For the above reasons, and having taken account of all other matters, I therefore conclude that the development proposed is not acceptable with reference to relevant elements of the GPDO, the Framework and the Guidance. Accordingly I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR