
Appeal Decision

Site visit made on 10 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/Z2830/W/16/3159419

**Dutch Barn, Halse Copse Farm, Halse, Brackley, Northamptonshire
NN13 6DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr T Graffety Smith against the decision of South Northants District Council.
 - The application Ref S/2016/1380/PA, dated 8 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is conversion of agricultural building to C3 dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons

3. The appeal building ("the building") is a five-bay precast concrete portal framed structure, with an overall floor area of around 210 square metres. It is open-fronted, with one side also being open. The rear wall and other side are clad with profiled metal sheeting. The roof is covered with fibre cement sheeting. At the time of my visit, the building was mainly being used to park a tractor and to store a large quantity of hay. What was visible of the floor appeared to be roughly surfaced. The building is located adjacent to an access on the edge of a complex of rural buildings which are served by a long, private drive leading from the public highway.

Whether permitted development

4. Part 3, Class Q (a) and (b) of the GPDO permits the change of use of an agricultural building to a dwelling and the building operations reasonably necessary to convert it to such a use. I accept that Class Q potentially applies to modern agricultural buildings, such as the structure in this appeal. Paragraph Q1 (i) at (i) and (ii), limits the building operations permitted under Q (b) to the installation or replacement of windows, doors, roofs and exterior walls, as well as water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse,
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- and; partial demolition to the extent reasonably necessary to carry out these building operations.
5. In respect of the building, the proposed operations are mainly described as replacing the existing roof and wall sheeting, installation of new walls and insertion of windows and doors. The description of these operations is therefore similar to those listed at Q1 (i). The existing concrete portal frame of the building would be incorporated as structural support for the proposed dwelling. No new structural elements are proposed. The appellant's structural survey indicates that the existing frame would only require limited, localised repairs. There is no evidence to suggest that the existing frame is incapable of providing structural support for the proposed building operations.
 6. Nevertheless, in order for Class Q to apply in the first place, a building has to be capable of functioning as a dwelling. Therefore, the proposed building operations must be comprised in a conversion. In this case, the existing building amounts to little more than a concrete frame, albeit with a covered roof and two sheeted sides. It follows that the building would not be capable of functioning as a dwelling without the proposed operations. Having regard to the scale and magnitude of those operations, the extent of the new building fabric would greatly exceed that of the frame of the building. Its frame would form a relatively small part of the overall fabric of the proposed dwelling and would be enveloped within and subsumed by the new walls and roof. This leads me to the conclusion that the proposed operations would be so extensive as to amount to what would more appropriately be described as a new building, as opposed to being a conversion of an existing structure. Consequently, in my view the proposed operations would not be permitted under Class Q (b).
 7. I have taken account of recent case law¹ in which amongst other matters, the Court recognised that there would be occasions when a proposed conversion involved an agricultural building so 'skeletal and minimalist' that the works needed to alter it to a dwelling would be of such a magnitude that in practical reality what would be undertaken would be a 'fresh' building falling outside of Class Q. I understand that the Court were concerned with an agricultural building not dissimilar in nature to the building in this case. The Court's findings, have not, as far as I have been made aware, been challenged and they serve to reinforce my conclusions above.
 8. I have also been referred to an appeal decision² concerning another similar building, in which an Inspector concluded that extensive building operations, which included installing block walls, windows, doors, replacing the roof and internal works were all permitted under Q1(i). However, I do not have all of the information before me in relation to that appeal to enable a detailed comparison to be made and in any event, that appeal was decided prior to the Court decision referred to above. Therefore, the circumstances in that appeal do not compare directly with the proposal before me.
 9. In respect of the rest of Class Q, the Council did not find any breach of the limitations at Q1 (a)-(h) and Q1 (j)-(m). Further, in order to be permitted development under Class Q, prior approval must be sought and either obtained or not required in relation to the matters listed at Q2 (1) (a)-(f). The Council did not raise any significant concerns regarding transport and highways and

¹ *Hibbitt v SSCLG* [2016] EWHC.

² Appeal reference APP/Q1825/W/15/3006087.

noise impacts, contamination or flooding risks, whether the location or siting of the building made it otherwise impractical or undesirable to be changed to residential use, or in relation to the design or external appearance of the building. Having made my own assessment of all of the above matters, I have not found any reason to come to any different conclusions. Nevertheless, my findings in relation to the rest of the requirements of Class Q do not affect my overall conclusion that the proposal would not be permitted by the GPDO.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR