

Appeal Decision

Site visit made on 24 January 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/N2535/W/16/3160230

Agricultural Building, Highfield Farm, East Torrington, Market Rasen, Lincolnshire LN8 5SD

- 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 M Barrett against the decision of West Lindsey District Council.
 - The application Ref 134321, dated 14 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is change of use of agricultural building to form a single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits a change of use of a building and any land within its curtilage from a use as an agricultural building to a residential use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) and the building operations reasonably necessary to convert the building to that use.
3. The Council considers that the proposal is not permitted development because the works would require building operations beyond those which fall within the category specified in Q.1 (i) of the GPDO. The main issue is therefore whether the proposal meets the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Reasons

4. Q.1(i) of the GPDO indicates that development is not permitted if the development under Class Q (b) of the GPDO would consist of building operations other than 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 dwelling.
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5. Furthermore, the Planning Practice Guidance provides advice¹ on the interpretation of Class Q (i) of the GPDO and advises that Class Q of the GPDO assumes that the agricultural building is capable of functioning as a dwelling. Furthermore, it makes clear that it is not the intention to include the construction of new structural elements for the building. Thus, notwithstanding the works listed under Class Q.1(i) of the GPDO necessary for the building to function as a dwelling, the starting point for those considerations is that the existing building is capable of conversion and functioning as a dwelling.
6. The appeal building is a four bay, mono pitch steel framed structure. Its roof is covered with corrugated steel sheeting as are two sides of the building. There are timber purlins and the floor appears to be concrete although it appears in relatively poor condition. There is also a small lean-to corrugated steel structure with a raised concrete floor.
7. The proposal would involve the retention of the existing steel frame. The timber purlins and the bolts holding the steel frame together would be replaced. A new slab floor would be laid and four new non load bearing external walls erected which would be rendered and timber clad and a new standing seam zinc roof installed.
8. Even though the appellant has stated that no additional foundation strengthening is necessary, paragraph 3.06 of the structural report² states regarding the existing foundations for this type of structure we would expect the stanchions were cast into a concrete pad, effectively providing fixity. We would expect existing pads to be exposed for verification. Whilst I find no reason to disagree that the existing steel frame is structurally sound and capable of carrying the load of the proposed works there is nothing before me to indicate that verification of the structural integrity of the foundations and their juncture with the steel frame has taken place and as such the overall structural integrity of the existing building could be compromised.
9. I acknowledge that the Council's Principal Building Control Surveyor commented that the proposal probably falls within Class Q.1 (i) of the GPDO. However, I find that given the existing building is open on two sides, only the steel structure and floor would remain, the scale of works are extensive and as such are tantamount to the construction of a new building to function as a dwelling and could not reasonably be described as a conversion of the existing building. Furthermore, on the basis of the evidence before me, I am not satisfied the existing building is capable of carrying the load of the proposed works without the construction of new structural elements for the building in the form of foundation strengthening.
10. In reaching these conclusions I have considered the appeal decisions³ where Inspectors have found the conversion of agricultural buildings to dwellings to be permitted development. However, the full details of those cases are not before me, particularly the full details of the buildings which would be converted and the work necessary for their conversion. Thus, they are not directly comparable and I have afforded them limited weight.

¹ Paragraph 105 Reference ID 13-104-20150305

² Review of the Structure, Agricultural Building Highfield Farm, Structural Design Associates, February 2016

³ APP/N2739/W/15/3003584, APP/D0840/W/16/3147174, APP/P0240/W/15/3005436 APP/U1240/W/15/3006037 & APP/Q1825/W/15/3006087

11. Nonetheless, I have considered this case on its merits with regard to bespoke site specific circumstances and overall I conclude that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond works reasonably necessary to convert the building. I am also not satisfied that the proposal would not involve the construction of new structural elements for the building.
12. Consequently, the building is not capable of conversion within the scope of the permitted development rights under Class Q of the GPDO and the proposed works would amount to development for which an application for planning permission would be required. Thus, the proposal would not therefore meet the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Other Matters

13. I note that the appellant is dissatisfied with the Council's handling of the case. However, this is a matter which would need to be pursued with the Council. I confirm that I have had regard only to the planning merits of the proposal.

Conclusion

14. I have found that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond the building works reasonably necessary to convert the building to function as a dwellinghouse. Therefore, for the reasons given and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR