The Planning Inspectorate

Appeal Decision

Site visit made on 23 January 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 21 February 2017

Appeal Ref: APP/L3625/W/16/3160394
Barn on land adjacent to Hurst Farm, Hurst Lane, Headley, Epsom, Surrey KT18 6DP.

- 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 GDPO).
- The appeal is made by St. Quinton Estates Ltd against the decision of Reigate & Banstead Borough Council.
- The application Ref 16/01244/PAP3Q, dated 20 April 2016, was refused by notice dated 21 July 2016.
- The development proposed is the change of use from agricultural barn to dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of brevity I have taken the description of development from the Council's Decision Notice.

3. The GPDO requires the proposed development to be assessed against the criteria set out in Class Q, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

4. The main issue is whether or not the proposed change of use would be permitted development under the provisions of Part 3, Class Q of Schedule 2 to the GPDO.

Reasons

5. The appeal building is a large, open-fronted agricultural barn constructed of brickwork with corrugated sheeted upper walls and cement-bonded roof panels. It stands on the edge of a field which forms part of a wider tract of open land which extends northwards away from a small rural hamlet. When I inspected the building, it was evident that it has been used in the past for the keeping of farm animals. It is proposed to convert the barn to a 4-bedroom dwelling including garage and private amenity space served from the existing point of access from Hurst Lane.

6. The first area of contention relates to the previous use of the building. Paragraph Q.1(a) of the GPDO requires that, in order to benefit from permitted development the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or if the building was not in use on that date, when it was last in use.

7. The application is supported by a letter from Mr Paul Hayward, who has been responsible for the overall management of the land since 1998 on behalf of the appellant. This confirms that the building was used as a shelter for the livestock grazed on the adjacent land on, before and after 20 March 2013. It goes onto to state that the building was part of an established agricultural unit during the whole of 2013. I find Mr Hayward's evidence on this matter to be precisely written, logical and credible.

8. In taking a contrary view, the Council relies almost entirely on comments made by a neighbour, who suggests that for the last five years the building has been used solely for the stabling of horses. However, no evidence has been adduced to support this. Consequently, I am minded to give greater weight to the testimony of Mr Hayward who clearly has a detailed professional knowledge of the site and surrounding area.

9. I am therefore satisfied, on the balance of probabilities, that the building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or if the building was not in use on that date, when it was last in use.

10. The Council's second concern relates to the degree of building operations that would be involved in the appeal scheme. Paragraph Q.1(i) of the GPDO clarifies that development is not permitted if:

> the development under Class Q(b) 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 reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

11. The "*Planning Practice Guidance*" (PPG) states that "It is not the intention of the permitted development rights 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 the residential use that the building would be considered to have the permitted development right"[1].

12. According to the Council, significant external works would be required including filling in of the front elevation and the insertion therein of domestically scaled

[1] PPG reference ID: 13-105-20150305.

doors/windows serving the new floor that would be created. In addition windows would be inserted into the rear and side elevations as well as rooflights to each roofslope. Moreover, the appellant concedes that the existing concrete floor, a key structural element of the building, would have to be replaced with a new insulated slab floor.

13. Whilst I note the appellant's view that the walls, roof and concrete frame are all in good order, there is no structural report before me to demonstrate how much of the building's structure would remain, or whether what was left including the foundations would be strong enough to take the loading of the additional floor, new roof panels and walls.

14. Paragraph W makes it clear that the onus is on the developer to provide sufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions of Class Q. Consequently, on the basis of the evidence submitted and taking into account the crude nature of the existing structure, it does not appear to form a robust basis for conversion into a dwelling. On that basis, I have sufficient doubt that the works required would fall outside those listed in the GPDO.

Conclusion

15. The proposed conversion would not satisfy the requirements of Schedule 2 Part 3 Class Q of the GDPO and therefore is not development permitted by it. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

D. M. Young

Inspector