
Appeal Decision

Site visit made on 30 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/K0235/W/16/3160357

Dutch Barn on land opposite College Farm, College Farm, Church Road, Keysoe, Bedford MK44 2JP

- 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 (GPDO).
 - The appeal is made by Mr Simon Bates against the decision of Bedford Borough Council.
 - The application Ref 16/01925/CPNQ, dated 28 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is change of use from agricultural barn to a single dwellinghouse.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. Class Q of the GPDO permits development consisting of (a) a 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 and b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
 3. The application for prior approval was for development permitted under Class Q(a) only, for the change of use of the barn in question to a single dwelling. Were this to be allowed a subsequent prior approval application was to be made under Class Q(b) regarding the building operations necessary to convert the building.
 4. The Council has refused the prior approval application on the basis that the proposal is not permitted under Class Q in regard to the exclusions set out in paragraph Q.1 of the GPDO. The Council's refusal was for two reasons.
 5. Reason 1 was that the proposal formed part of a mixed equestrian/agricultural use and, as set out in Q.1(a), development was not permitted under Class Q as the site was not used solely for an agricultural use.
 6. Reason 2 was that insufficient information had been provided to establish whether the development avoided not being permitted under Q.1(i), in consisting of building operations other than that set out in this paragraph and
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as further defined in the advice set out in paragraph 105 of the Planning Practice Guidance (PPG).

Main Issues

7. The main issues in this case are, therefore, whether the proposal would constitute permitted development with regard to a) the use of the building and b) the information provided in the application.

Reasons

Use of the building

8. The supporting information from the parties provides a quite comprehensive picture of the planning history and of the wider activities at College Farm. From this I am persuaded that the equestrian centre, the livery operation and the agricultural holding comprise distinct operations. The barn to which this proposal relates was approved for agricultural purposes. Its temporary use for the storage of equestrian equipment on one occasion, and the nature of the surrounding land uses, would not persuade me that this building is not used solely for agricultural purposes as part of an established agricultural unit.
9. Consequently, the permitted development provided through Class Q would not be constrained by the requirements set out in paragraph Q.1(a).

Information provided in the application

10. The agricultural building is a very basic Dutch barn structure, which is open on three sides with a bare earth floor, comprising narrow steel columns and curved steel rafters supporting a corrugated sheet roof. There is a smaller mono-pitch roofed lean-to element which encloses the south side the main part of the structure.
11. Where the development proposed is under Class Q(a) the determination of prior approval relates only to those items referred to in sub-paragraphs Q2(1) (a)-(e), as well as the provisions in paragraph W. The application therefore seeks to avoid consideration in the prior approval process of sub-paragraph Q2(1) (f) in respect of the design and appearance of the building. However, I consider an application made for the change of use permitted under Class Q(a) appropriate only where the nature of the agricultural building required more limited operational works to effect the conversion to a residential use.
12. The procedure for GPDO Part 3 prior approvals set out in paragraph W requires a written description and a plan of the proposed development. The plan provided is of the Dutch barn as it stands. The application contained only very limited information of the development proposed. It is stated that the dwelling will be designed to retain its agricultural barn-like appearance, with careful consideration given to new openings so that the character of the barn will be retained overall, and that a demolition and rebuild is not proposed.
13. Further advice can be gained from the structural report submitted in respect of the existing barn. This states that the conversion would require the roof sheeting to be replaced with new similar profile metal sheeting, the provision of new external walls, with doors and windows fitted, all constructed on foundations, and a new internal ground floor with damp proofing treatment to it and the new walls. Although no additional loads would be placed on the

existing steel frame structure, the construction of load bearing external and internal walls would be used to support the first floor and all ceilings.

14. Paragraph 105, inserted into the national PPG on 5 March 2015, provides advice over the building works allowed when changing to residential use through the Class Q permitted development rights. Whilst the PPG does not have the legal status of the GPDO I must give this significant weight as Government advice over its intended application.
15. Paragraph 105 states that building works are allowed under the change to residential use but that it is not the intention of the Class Q permitted development right to include the construction of new structural elements for the building. *'Therefore it is only when 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'.*
16. The appellant's report confirms that the barn to be structurally sound for its present use but that a new dwelling would require the construction of its own load bearing external and internal walls to support the first floor and ceiling. These works would place no additional loads on the existing structure and act only to strengthen, support, restrain and encase it. This strongly suggests that the change of use would involve works that go significantly beyond that which the PPG considers to be permitted by Class Q, by including the construction of new structural elements necessary to support the new dwelling which the existing building would not provide.
17. Paragraph W requires the developer to submit such information as may reasonably be required to determine a prior approval application. The nature of the existing farm building is such that the change of use to a single dwelling would involve a significant amount of operational development. Therefore a prior approval application based only on the change of use requirements of Class Q(a), and not providing details of the building operations reasonably necessary to convert the building under Class Q(b), would be inappropriate in this case. Consequently the information provided with this proposal would not provide an adequate basis for a determination that this proposal would be permitted under Class Q.

Conclusion

18. For the reasons given, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR