The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 16 March 2017

Appeal Ref: APP/D0840/W/16/3154314
The Wagon House, Trenant Barton, Duloe, Liskeard, Cornwall PL14 4PR

- 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 Hedley Stephens against the decision of Cornwall Council.
- The application Ref PA15/10857, dated 20 November 2015, was refused by notice dated 14 January 2016.
- The development proposed is conversion of a redundant former wagon house to a 2 bedroom dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The appeal proposal relates to the conversion of a redundant former wagon house to a 2-bedroom dwelling. Class Q(a-b) in Part 3 of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses), and building operations reasonably necessary to convert the building. It was on the basis that the proposal would fall outside of this provision that the Council refused to grant prior approval.

Main Issue

3. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. The appeal site is a single-storey former wagon house constructed of rubble stone walls on three sides, with the remaining side partially timber-boarded with two open bays. The corrugated iron roof is supported by timber trusses and wall plates that rest on the rubble walls on three sides and timber posts on the part-open elevation. The internal floor consists of compacted soil. At the time of my site visit it was evident that the north-east gable wall had been recently constructed in rubble stone, with a central opening and heavy granite lintel inserted.

5. The GPDO requirement is that the building operations are "reasonably necessary to convert the building" (Q.1(b)) and fall within the works permitted by Q.1(i), such as the replacement or installation of walls and roofs, and including partial demolition "to the extent reasonably necessary to carry out" the works in Q.1(i)(i)). The PPG makes explicit that it is not the intention of the permitted development right 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 residential use that the building would be considered to have the permitted development right (paragraph 105 Reference 1D: 13-1-5-20150305).

6. Although the supporting Structural Appraisal found the masonry parts of the building to be generally sound, the report goes on to establish that is unlikely they have any formal foundation. The report also identifies significant defects within the existing roof structure, including fractured and fallen ties, broken cross members and very slender purlins. While the trusses are deemed reparable, and the slender purlins could be strengthened or replaced, the report raises significant doubt as to whether they could be proved adequate to support the proposed slate roof, which in turn would require support from new timber framework. The report recommends that new timber framework would be required to support the lintels. Finally, the report sets out that the required new timber frame wall elements would be built off the perimeter of a new concrete slab.

7. While there may be enough head room within the structure to accommodate a concrete floor slab, the new timber framework that would be necessary to provide adequate support for the roof structure, and the lintels, would amount to the creation of new structural elements. The submitted plans and supporting structural appraisal refer to the north-east gable as comprising a large timber boarded double door, with timber panels either side attached to timber posts. The structural engineer's report clearly identifies this portion of the building as requiring construction in modern timber frame to be supported on the edge of a new concrete ground slab. Whether the rebuilt end gable had originally been of rubble-stone construction is a matter of conjecture. It is clear to me that part of the existing building has been removed and completely rebuilt, and that this is tantamount to a new structural element.

8. I do not doubt that the proposed conversion would retain the characteristics of the original wagon house and much original fabric. However, it is clear from my own observations on site that the existing structure is incapable of withstanding conversion without new structural elements. Therefore, the works required in its conversion would amount to substantial rebuilding and go beyond those envisaged by the terms of Class Q(b) as being reasonably necessary for it to function as a dwellinghouse.

9. For these reasons, I consider the proposal would not comply with the limitations and restrictions applicable to the proposed development under Q.1(g) and Q.1(i) of the GPDO. As such, it would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and so constitutes development for which planning permission is required.

Other matters

10. While accepting that works have been undertaken on the existing building, the appellant contends that this amounted to repair and reinstatement rather than

wholesale replacement. It is unclear from the appellant's statements whether or not the works undertaken relate to the conversion that is proposed in the appeal application. However, it is difficult to imagine that the extensive works already completed would not now be retained and become part of the proposed new dwellinghouse. This newly constructed stone wall cannot therefore be the subject of the conversion that is shown on the appeal drawings. If it is being contended that the works have been carried out as part of the proposed conversion, then they cannot therefore amount to permitted development in the terms of Schedule 2, Part 3, Class Q of the Order. Furthermore, there is no mechanism for retrospective prior approval.

11. I note the previous appeal decisions cited by the Council, but I have come to a determination based on the merits of the scheme and the specific circumstances of the appeal site and the evidence before me.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be dismissed.

H Porter

INSPECTOR