
Appeal Decision

Site visit made on 14 March 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 22 March 2017

Appeal Ref: APP/Z4718/W/16/3162769

Dutch Barn, Hey Farm, Holt Head Road, Slaithwaite, Huddersfield, West Yorkshire, HD7 5TU

- 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 Mrs Alison Smith against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/92906, dated 6 August 2016, was refused by notice dated 28 October 2016.
 - The development proposed is to convert the existing agricultural building which is sited on the south/west edge of the domestic curtilage of Hey Farm to two dwelling houses.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development is permitted under the above order.

Reasons

3. Subject to certain limitations and conditions, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use of an agricultural building to a dwelling.
4. Some external works are permitted under the Order. However, The Planning Practice Guidance specifically relates to Class Q and explains 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 that the building would be considered to have the permitted development right.¹
5. At my visit I noted that the barn is constructed of block walls and a corrugated material, with the appearance of asbestos. There is also slatted timber forming part of the elevations. The blockwork is only on the lower portions of the walls and the corrugated material forms the majority of the external elevations and the roof. Clearly, this construction could not function as a dwelling as it is

¹ Paragraph: 105 Reference ID: 13-105-20150305

predominantly of thin and flimsy material. Furthermore, the plans show that one elevation would be completely new.

6. I note the appellant's comments that the existing roof frames would be used as part of the conversion but it is not evident how this would be achieved. It is not clear from the plans that the existing building is capable of providing the structural support for the new dwellings and it appears that the external walls would have to be substantially re-built.
7. Due to a lack of existing solid external walls and the clear intention that one elevation would be a completely new construction, it appears from the information before me that it would not be possible to convert the building without the creation of substantial structural elements (i.e. supporting walls).
8. In the absence of any technical evidence to lead me to a different view, I conclude that the building is so insubstantial that it would require almost complete demolition and reconstruction in order to form a dwelling and therefore, it clearly falls outside the scope of the Order, i.e., it would not be a change of use but a new building.
9. Therefore, the proposed development is not permitted under the above Order. Given this conclusion, I do not have to consider whether the Conditions under Q.2 would be met.
10. For the above reasons, I dismiss the appeal.

Siobhan Watson

INSPECTOR