
Appeal Decision

Site visit made on 28 March 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 12 April 2017

Appeal Ref: APP/J3530/W/17/3166437

Barn A, Land adjacent former Wood Barn Cottages, Seckford Hall Road, Great Bealings, Suffolk IP13 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Seckford Cottage Co. Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/3427/PN3, dated 16 August 2016, was refused by notice dated 23 September 2016.
 - The development proposed is conversion of existing former agricultural barn to one residential dwelling and change of use of adjacent curtilage to garden area.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Seckford Cottage Co. Ltd against Suffolk Coastal District Council. This application is the subject of a separate Decision.

Procedural Matter

3. For clarity I have used the description given on the appeal form in the heading above.

Main Issue

4. The main issue is whether the building operations required to convert the agricultural building into a dwelling, would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO).

Reasons

5. The appeal site is located within a former farmstead which comprises three agricultural barns, and a new dwelling. I am aware from other casework that there is an extant permission for another dwelling adjacent to the new dwelling.
 6. Barn A is a modern agricultural building of simple steel framed construction with a central ridge. Steel uprights support a roof and a combination of ridged metal and concrete/asbestos wall panels, and there are two large sliding doors on the eastern elevation. There is also a small part-blockwork structure on the
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western elevation. I noted a concrete floor slab in indifferent condition, and although the structural report¹ presumes there are concrete footings for each of the uprights, I did not see any evidence of these. Although downpipes are fractured and there is evidence of impact damage on the barn's northern elevation, it appears to be in reasonable condition for its current use, apart from one sliding door hanging off its runners.

7. There is no apparent dispute between the parties that the building was in agricultural use on the trigger date of 20 March 2013. However, Barn A is currently in use for the storage of considerable quantities of stone paving and ornamental pebbles, as well as lesser quantities of construction materials including insulation, ornamental trellis panels and bags of plaster, and heaps of tyres and what appeared to be an abandoned car. There was no evidence at my visit that the barn is redundant or in sole agricultural use. Therefore, as the appeal site currently has a non-agricultural use, the development fails to meet the requirements of the prior approval procedure for change of use under Class Q of the GDPO.
8. Notwithstanding that the development fails to meet the criteria in respect of current use, I have also considered the other concerns raised the Council as these are relevant to my consideration of the application for costs.
9. The planning statement states that the building operations proposed would not change the present size of the building. However, a comparison of the survey and proposals drawings indicates that approximately one half of the barn would be demolished and this was confirmed by the agent at the site visit.
10. The structural report concludes that no additional structural elements would be required to facilitate the barn's conversion to a dwelling, and notes that demolition of one half of the barn would not affect the structural integrity of the remaining section. I see no reason to disagree with that conclusion.
11. However, this report also states that there is no evidence of deterioration of the structural concrete flooring as a consequence of carbonation of reinforcement, or chloride damage. At my visit I noted one area of the concrete floor slab was broken up, and although there appeared to be soil and/or rubble some 100 mm below the top of the concrete slab, there was no evidence of reinforcement bars. Moreover, given the apparent depth and condition of the floor slab I give little weight to its description as structural and consider there is evidence of deterioration, albeit from other causes.
12. The GDPO² states that development is not permitted by Class Q if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, and partial demolition to the extent reasonably necessary to carry out the building operations I have listed.
13. In this instance, approximately half of the barn would be demolished and those demolition works would be necessary to reduce the size of the building and to create amenity space for the development. They would not be needed to carry out the building operations listed above as being considered reasonable for the barn's conversion to a dwelling. Furthermore, my observations in respect of the existing concrete floor slab also lead me to conclude that it would probably

¹ JMS, 2 August 2016

² Q.1 (i)

require excavation and replacement. As such, I consider the extent of works required to facilitate the barn's conversion to a dwelling would be outside the statutory limits.

14. The appellant has referred to a previous appeal decision³ for a conversion of this barn to a dwelling and argues that that Inspector dismissed the appeal primarily on design grounds. However, I disagree, as the Inspector states that the extent of demolition and rebuilding would go beyond the extent of works anticipated by the legislation as being reasonably necessary. This reinforces my concerns that this appeal does not meet the relevant criteria for permitted development.
15. The appellant has also referred to other barn conversions permitted by the Council or at allowed at appeal. I agree with the appellant that the permitted development rights are not predicated upon the character or type of the original barn. However, whilst I concur that stripping cladding back to a steel framework is not necessarily considered unreasonable, these examples do not alter my decision in respect of this appeal. In any case, there is limited information before me to assess the full circumstances of each example or indeed the extent of information available to the Inspectors of these appeals. In any case, each appeal is determined on its merits.
16. In the light of the above, I conclude that the nature and extent of works would exceed that considered reasonably necessary under the GDPO. This, in conjunction with my observations in respect of the existing use of the barn lead me to conclude that the development would not meet the requirements of permitted development under the GDPO.

Other matters

17. The appellant has drawn attention to the Council's refusal notice which failed to give a reason for refusal and raised a concern in respect of its validity. Regulation 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that full reasons must be given when a local planning authority gives notice of a decision or determination on an application for planning permission or approval of reserved matters. As such, I conclude that it is not necessary for a reason to be given for cases of prior approval. There is a general requirement under the Openness of Local Government Bodies Regulations 2014 for reasons to be given for decision taken to be produced as soon as practicable after the decision has been made, but reasons do not have to be given at the time of decision. Furthermore the appellant's statement of case reproduces the Council's reasons for refusal, so I disagree that they have not been received by the appellant.
18. The evidence before me indicates that the reasons for refusal refer to Barn C, whereas the site layout plan⁴ refers to Barn A. However, there is nothing before me to indicate that the Council has referred to another barn at the farmstead in its determination of the application. Whilst I appreciate the appellant's frustration, this is not determinative to this appeal.

³ APP/J3530/A/14/2229019

⁴ Dwg. P156-1-11.07.2016

19. The Council argues that the development's foul drainage system would need to run under land outside the appeal site. However, there is nothing in the evidence before me to indicate that waste systems remote from the public sewer would have to be contained within the curtilage of a dwelling subject to change of use under the GDPO.
20. I also acknowledge that the appellant sought pre-application advice and I appreciate that there is difference between the main parties as to the interpretation of the relevant legislation. Nonetheless, this does not alter my reasoning.

Conclusion

21. For the reasons given above, and taking all relevant matters into account, I conclude that the proposal is not permitted development and that the appeal should therefore be dismissed.

Amanda Blicq

INSPECTOR