
Appeal Decision

Site visit made on 3 May 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 2 June 2017

Appeal Ref: APP/Y3940/W/17/3168344

Buildings A, B & C, Leighfield Farm, The Leigh, Cricklade, Wiltshire, SN6 6RQ.

- 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 P Baker & Sons against the decision of Wiltshire Council.
 - The application Ref 16/09938/PCNOU, dated 5 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is a change of use of agricultural buildings to 3 dwellinghouses (Class C3), and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the Council's decision notice as it more precisely described the development proposed.

Main Issues

3. The main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

4. The appeal site forms part of Leighfield Farm, a dairy farm situated on the B4040, west of Cricklade. It consists of three agricultural buildings, the first of which (Building A) the Council accepts is a substantial building capable of conversion under the Class Q permitted development regime. The second, Building B is partially open on three sides, containing some low level blockwork and metal sheeting and a front elevation that is fully open. Its roof is constructed from metal sheeting and the structure is supported by a metal frame. Building C, a Dutch barn, is open on all sides with a corrugated metal roof. Both buildings have limited flooring.
 5. Class Q of the Order permits the change of use of an agricultural building and any land within its curtilage to a residential dwelling, together with building
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operations reasonably necessary to convert it. Where a proposal falls within the permitted development right of Class Q, development is permitted unless otherwise restricted by one of the exceptions, limitations or conditions set out in the Order. Paragraph Q.1(i) places such a limitation on the building operations permitted under Class Q restricting them to the installation or replacement of windows, doors, floors, roofs or exterior walls¹ which are reasonably necessary for the building to function as a dwelling house.

6. However, in order for the permitted development right to apply, the development proposed must fall within the concept of a 'conversion' as opposed to a 'rebuild'. If it does not it fails at the first hurdle and does not constitute permitted development. There is, however, little guidance as to where the dividing line between a conversion and rebuild (or new build) lies. It is a question of judgement for the decision maker in each case having regard to both the type and extent of the works proposed.
7. Both Buildings B and C have a number of open elevations that would require varying levels of infill to construct exterior walls suitable for a residential dwelling. This would involve adding substantial amount of work to all elevations. While I accept that substantial works could fall under the scope of building operations within Class Q², in the proposal before me, the structures would only be capable of functioning as a dwelling following the substantial reconstruction of most exterior walls. Likewise, without further information, I cannot be certain that would not also require substantial replacing of the floors and roofs. On balance, I consider the extent of works proposed would go beyond what could reasonably be described as conversion and would be so extensive as to comprise rebuilding.
8. Consequently, I conclude that the works necessary to effect the change of use from the existing barns to residential dwellings would not fall within the scope of that permissible under Class Q. Accordingly, the proposal would not be permitted development.

Other Matters

9. The appellant has referred to a number of examples of other permitted development schemes which have been approved by the Council. However, in the absence of any detailed information on these schemes, I cannot be certain that they raise the same issues identified above. Accordingly, I do not consider that they provide a justifiable precedent for the development proposed.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

¹ As well as water, drainage, electricity, gas or other services

² Notwithstanding the limitations imposed by Paragraph Q.1(i)