
Appeal Decision

Site visit made on 20 June 2017

by B Bowker Mplan MRTPI

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

Decision date: 27 June 2017

Appeal Ref: APP/L3245/W/16/3164942

**Barn at Grange Farm, Grange Farm, Edgerley, Oswestry, Shropshire
SY10 8EP**

- 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 J Barber against the decision of Shropshire Council.
 - The application Ref 16/0247/PMBPA, dated 23 February 2016, was refused by notice dated 2 August 2016.
 - The development proposed is described as 'conversion of exiting barn and store to residential use'.
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Decision

1. The appeal is dismissed.

Background

2. In order to be considered permitted development, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), requires that the proposed building operations are reasonably necessary to convert the building for residential use. GPDO Class Q.1 (g) does not permit development that would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. Should the proposal be considered permitted development under the exceptions listed in Q.1, the proposal is then required to satisfy the conditions listed in GPDO Class Q.2.
3. The Council's concerns relate to the extent of building operations proposed. During the appeal process, the Council also cited concerns regarding the resultant dimensions of the buildings (a class Q.1 matter), and the location, siting, design and external appearance of the buildings (all class Q.2 matters). Based on the information before me, I have no reason to dispute the Council's acceptance of the proposal's compliance with the other requirements listed at Q.1.

Main Issues

4. Consequently, the main issues are:
 - whether the proposal is permitted development, and if so;
 - Whether the proposal would require prior approval in respect of the accompanying conditions set out in paragraph Q.2.

Reasons

Permitted development

5. Paragraph Q.1 (i) allows for the installation or replacement of windows, doors, roofs, or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. Planning Practice Guidance advises that:

"The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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".

6. As stated above, the Council's concerns relate to the extent of building operations proposed. In support of their reason for refusal, the Council cite a High Court judgement¹. The referenced High Court judgement clarifies that the overarching provisions of Class Q is a freestanding requirement in itself which necessitates development to amount to a conversion before being considered under the exceptions in Q.1.
7. The appeal buildings are of timber frame, with concrete base, concrete dwarf walls, timber boarded walls and a metal sheet roof. The central building would be demolished and the two outer buildings used for a residential annexe and dwelling house. The submitted Structural Report states that the buildings are structurally strong enough to take the loading of the works required to enable residential use of the buildings. Based on all I have seen and read, I have no reason to doubt the findings of the Structural Report and that the construction works required relate to non-structural work only.
8. The openings proposed to the north and south elevations of barns A and B, the west elevation of barn B and east elevation of barn A individually appear reasonably necessary for the building to function as a dwelling house. However, the west elevation of barn A and the east elevation of barn B are currently open. Consequently, both elevations would require new infill construction to enable the buildings to function as a residential annexe and dwelling house. The fact that both elevations are obscured from public view and require no new structural elements would not prevent or reduce the extent of rebuild required.
9. The extent of rebuild required would be significant taking into account the sizeable length of both of the elevations. To my mind, the need to infill both elevations to enable residential use of the buildings go beyond the works

¹ Hibbitt v. SSCLG [2016] EWHC 2853 (Admin)

required to be considered a conversion. Furthermore, the extent of rebuild and demolition required to enable residential use increases when accounting for other work required such as the new roof, the demolition of cow cubicles and central barn, and infill weatherboarding.

10. In addition, a breathable membrane to provide necessary waterproofing would be fixed to the external faces of the buildings. The Council cite appeal decisions² in support of their concerns in this respect. The appellant asserts that unlike the cited appeal decisions, the works proposed would not extend the buildings beyond their existing dimensions. However, based on the evidence before me, I am not convinced that such works could be undertaken to the external walls of the building without increasing the dimensions of the buildings.
11. Moreover, the extent of works necessary for the buildings to provide residential accommodation go well beyond what could be described as a conversion and reasonably necessary, and thus would be so extensive as to comprise substantial rebuilding works. Consequently, the proposal would fall outside the permitted development right afforded under Class Q of the GPDO.

Other matters

12. Given that I have concluded that the proposal is not permitted development under Class Q, it is not necessary for me to consider the prior approval matters listed at Class Q.2 which would not alter the outcome of the appeal.

Conclusion

13. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

² APP/L3245/W/16/3164599 and APP/L3245/W/16/316628