

Appeal Decision

Site visit made on 13 June 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 3 July 2017

Appeal Ref: APP/E2001/W/17/3171001

Lock Lane Barn, Lock Lane, Holme On Spalding Moor, York YO43 4AZ

- 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 (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Gordon Hawcroft of G A Hawcroft (Farmers) against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/04088/AGRNOT, dated 2 December 2016, was refused by notice dated 30 January 2017.
 - The development proposed is the change of use of an agricultural building to create two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form, as this is more succinct than the description given in the application form.
 3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. Provisions exist under Schedule 2, Part 3, Class Q.(a) for the change of use of an agricultural building to a dwellinghouse, and (b) the associated building operations, subject to limitations and conditions.
 4. Paragraph Q.1.(i) of the GPDO states that, development is not permitted under Class Q.(b) where it would consist of building operations other than: (i) the installation or replacement of – (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1.(i)(i).
 5. In refusing the application, the Council states that the development would go beyond the scope of the works permitted and would amount to a rebuild rather than a conversion. If this were to be the case, then the works would not be permitted development and I need to address this issue first in my decision.
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Main Issues

6. The main issues are:

- Whether the proposal satisfies the requirements of the GPDO with regard to being permitted development under Schedule 2, Part 3, Class Q.
- If so, whether the location and siting of the building would make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

Reasons

Permitted Development

7. The building is constructed of corrugated iron sheeting which is supported on a timber framed structure. The appellant's Structural Survey¹ states that there is no evidence of structural defects, distortion or subsidence movement in the barn. The survey concludes that the building is strong enough to support the external refurbishment works and it will not be necessary to construct any additional structural floors. However, this is based on an assumption that agricultural buildings are structurally designed to cater for higher superimposed loadings than would ordinarily be required for residential dwelling use. The survey is brief and there is very limited evidence to support this conclusion. For example, there has been no assessment of the foundations and whether these are adequate for the proposed conversion. It appeared from my site visit that the timber posts are set into the compacted earth. The condition of the structural posts below ground has not been assessed; neither have the other structural elements of the building. Overall, despite the assertions of the Structural Survey, the lack of evidence means that the strength and condition of the structure as a whole is uncertain.
8. I appreciate that the appellant intends to retain all existing diagonal bracing and timber framing. However, there is a need to construct an insulated ground floor slab, which the appellant states would not be a structural element. In the absence of any evidence that the existing foundations are adequate, I am not satisfied that the introduction of the floor slab would not form part of the structure of the building. I appreciate that it is intended to retain the walls and roof, but it is unclear whether the proposed new fenestration would increase the loading on the structure. No structural calculations have been provided to establish that the structure could accommodate the external works. Moreover, it is unclear from the plans whether the fenestration would be supported from the new floor slab rather than the existing structure.
9. The appellant argues that the internal works do not constitute development, by reference to s55 (2)(a) of the Town and Country Planning Act 1990. This states that "the carrying out for the maintenance, improvement or other alteration of any building of works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building" does not constitute development. I appreciate that this definition could include the internal partition walls and the floor slab. However, there is a difference between works under s55 (2)(a), which apply to works affecting only the interior of the agricultural building, and structural alterations that are internal to the building, but are necessary to enable the change of use of the building

¹ Carroll Consultants: Structural Design Engineers, Ref: MAC-2016-60B, dated 16 September 2016

and/or to support works that materially affect the external appearance of the building. In this case, it has not been proven that the floor slab would not form part of the structure of the converted building.

10. I have taken into account the other decisions referred to by the appellant. Although the full balance of considerations that informed those decisions is not before me, the site specific circumstances appear to differ from the appeal proposal. The Inspector determining the appeal (Ref APP/D0840/W/16/3143012) described a steel framed structure with low-level blockwork courses, and referred to a thorough Structural Survey. In this case the Inspector was satisfied that there was sufficient evidence to demonstrate that the conversion would not require new structural elements. Similarly, in relation to the second appeal (Ref APP/N2739/W/15/3003584), the Inspector considered the steel frame to be structurally sound. In the third appeal referenced (Ref APP/G2245/W/16/3143027) the structural condition of the building was not in dispute.
11. I agree that there is scope within the GPDO for extensive works. However, the Planning Practice Guidance (PPG) advises 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. The information provided by the appellant does not demonstrate that the building is structurally strong enough to take the additional loading from the external works, and I am not persuaded that no new structural elements would be required.
12. To conclude on this matter, I find that it has not been demonstrated that the requirements for prior approval under paragraph Q.1.(i) of the GPDO have been met and, therefore, the proposal is not permitted development.

Location and Siting

13. As I have found that the proposal is not permitted development, it is not necessary for me to consider this issue.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector