
Appeal Decision

Site visit made on 25 April 2017

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 06.07.2017

Appeal Ref: APP/D2320/W/17/3166833

Land off Holt Lane, Brindle, Chorley PR6 8NE

- 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 Mr Brian Pawson against the decision of Chorley Borough Council.
 - The application Ref 16/01040/P3PAO, dated 4/11/2016, was refused by notice dated 21/12/2016.
 - The development proposed is conversion of barn to residential use under Class Q.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO) came into force on 15 April 2015. Article 3, Schedule 2, Part 3, Class Q permits development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 of that Schedule. The application sought prior approval in relation to Class Q(a) and (b).

Main Issue

3. The main issue is whether the proposed conversion would be permitted development.

Reasons

4. The Council considers that the building does not fall within the definition of an 'agricultural building' and would therefore not benefit from Class Q(a) of the 2015 GPDO. It maintains that at the time of the officer's site visit the building and its curtilage appeared to be in use as a firewood dealers' storage yard and for general storage not associated with agriculture.
5. The appellant indicates that the building was in sole agricultural use as part of an established agricultural unit on 20/3/2013. An aerial photograph dated April 2013 has been supplied which shows no visible evidence of outside storage or vehicles on the site. The appellant asserts that storage use came about in 2015.

6. Insufficient evidence has been provided by the Council to substantiate its case that the barn was not solely used for agricultural purposes on 20/3/2013. The balance of evidence before me leads me to the view that the barn was in agricultural use at the appropriate date.
7. The Council's second concern is whether the development is permitted for building operations reasonably necessary to convert the building to a dwellinghouse.
8. The barn has an internal structural steel frame which supports the cement fibre roof of the building. The external walls include concrete block walls and profile steel sheeting above. The sheeting extends from eaves to ground level on parts of the building. The structural report accompanying the application indicates that the double pitch roof is constructed from purlins which are supported on trusses that bear on the internal steel stanchions. The report indicates that the introduction of an inner leaf wall with internal partition walls would greatly improve the robustness of the building. The report notes that the external walls would need to be checked for suitability to comply with building regulations and may need to be underpinned to provide a suitable foundation and protection against frost. The report concludes that the building is in good structural condition but a small amount of rebuilding is required to the rear side elevation identified as a section of block work wall on the plan accompanying the structural report.
9. Under Class Q(b) development is permitted for building operations reasonably necessary to convert the building to a dwellinghouse. Development is not permitted under Class Q(b) if the building operations go beyond the limitations set out in Q1(i). This permits the installation or replacement of windows, doors, roofs or exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out the authorised building operations.
10. Guidance on permitted development rights is set out in the Government's Planning Practice Guidance (PPG). Paragraph 105 of the PPG sets out that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling but recognises that for this to occur some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. It goes on to explain that it is not the intention of permitted development rights to include the construction of new structural elements for the building, and that 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.
11. Paragraph W of the 2015 GPDO which sets out the procedure for applications for prior approval makes it clear that the onus is on the developer to provide sufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions of Class Q. Whilst there is no explicit requirement for the submission of a structural survey, an application may be refused where insufficient information is provided.
12. The appellant contends that the new cladding of the walls and the roof do not form structural components of the building. New walls would be added to form

the base of the building and would be clad in stone. The existing block work walls which currently comprise only part of the existing building would be underpinned to form a suitable foundation. This could be as a result of the extra loading which would bear down on the walls. A small portion of the existing block wall would also require re-building. The proposed section plan B-B illustrates an inner leaf wall which would be externally clad in part above the clad stone with timber boarding. The purlins and trusses which bear down on the internal steel stanchions would support a new slate roof.

13. The proposed sectional plan B-B does not distinguish between the retained steel frame of the building and the proposed inner wall. It is only shown as one component or wall structure whereas the distinction is evident on the existing sectional plan A-A. Further, the proposed sectional plan shows additional footings in the form of conventional foundations. This I observed is most probable on the north-west corner of the front and gable elevations near the existing door. At this point the existing sheeting came down to the ground level. In order to support the extra loading of the slate roof and internal first floor foundations would be required for the newly formed inner wall and this is corroborated by the extra foundation detail shown on the proposed sectional plan. The same detail is shown on the opposite corner of the end gable on this plan where existing sheeting is shown to the ground level. Further, the proposed sectional plan shows a new internal floor tied into the newly formed foundations.
14. The structural report suggests that foundation work is necessary. It is unclear whether the existing steel frame is constructed on pad foundations, but it seems probable that the foundation detail on the proposed sectional plan is intended as the construction of new structural elements for the building. The existing steel stanchions is not clearly shown on the sectional plan to be incorporated in the proposed plan and the extra foundation detail does not persuade me from the available evidence that the existing building is structurally strong enough to take the loading which comes with the external works to provide for the residential use.
15. For these reasons I find that these elements of the proposed works would not benefit from permitted development rights under Class Q(b).
16. For the reasons given and, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Iwan Lloyd

INSPECTOR