



Appeal Decision

Site visit made on 13 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/W4705/W/17/3171967
The Barn, Hayhills Lane, Silsden, BD20 9JL

- 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 T Croaker against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09213/PAR, dated 29 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is change of use of agricultural building and land to residential use (C3): 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. No description of development is provided on the planning application form. The description given above is therefore taken from the Council's Decision Notice.

Background and Main Issue

3. The application was made under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). It relates to Class Q(a) only, which is defined as development consisting of "*a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order*". The application does not relate to Class Q(b), which is defined as development consisting of "*building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule*".
4. However, it is clear that building operations would be necessary and are intended in order to implement the conversion of the building. In this regard, Paragraph Q.2 of the GPDO provides for an application for prior approval to be made under Class Q(a) only, or Class Q(a) and (b) together. No provision is made for a separate application under Q(b) on its own.
5. The Planning Practice Guidance (PPG) states 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 (paragraph ID 13-105-20150305).

6. In this context, the main issue is whether the proposal constitutes permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the extent of the works required would go beyond those that are 'reasonably necessary' to convert the building.

Reasons

7. The appeal building is an agricultural structure that is currently used for storage. It is steel framed with lightweight vertical timber cladding on three sides. It has a mono-pitched roof that consists of metal corrugated sheeting.
8. Class Q does not enable the extensive rebuilding of an insubstantial structure to create what would in substance be a new building. Such a development would be outside of Class Q entirely, irrespective of whether it is a Q(a) only or a Q(a) and Q(b) proposal.
9. In this case, the appeal building is an insubstantial structure that is entirely open one side. Whilst there is an existing metal supporting framework, it is unclear whether this would be capable of sustaining a more substantial structure, including a new roof. The soundness of the existing foundations and the likely extent of demolition works are also unclear. In the absence of a full structural survey carried out by a qualified engineer, I am not persuaded that the existing structure is able to take the loading that would come with the additional works needed to convert the building.
10. The intended method of conversion would include the use of a Structural Insulated Panel System to create the internal spaces. However, that does not overcome my concerns regarding the structural strength of the building.
11. Whilst the appellant states that the appeal building is no less substantial than other buildings that have been converted under Class Q, no specific examples have been brought to my attention. I am therefore unable to assess the comparability of those schemes to the current appeal proposal.
12. For the above reasons, I conclude that the works likely to be required to provide for residential use would go beyond those that are 'reasonably necessary' to convert the building, and bearing in mind the terms of the PPG, would amount to building operations in excess of those set out in paragraph Q.1 (i).

Other Matters

13. There is no evidence before me that the proposal would have any unacceptable impacts with regard to the conditions set out at Paragraph Q.2 (1).
14. The site is also located in Green Belt. However, this is not a relevant consideration under the provisions of Class Q.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR