
Appeal Decision

Site visit made on 26 June 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/W3520/W/17/3169339

Land by Mellis Lodge, Dam Lane, Mellis, Suffolk IP23 8ED

- 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 Carl Wilby against the decision of Mid Suffolk District Council.
 - The application Ref 4134/16, dated 30 September 2016, was refused by notice dated 8 December 2016.
 - The development proposed is the conversion of the agricultural storage unit into a 1 bedroom dwelling using the existing footprint and size.
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Decision

1. The appeal is dismissed.

Main Issues

2. The dispute concerns three of the requirements listed in paragraph Q.1 of the 2015 Order for permitted development rights under Class Q. In addition, prior approval has been refused for one matter in paragraph Q.2 (1) of the Order.
3. Consequently, the main issues in this case are:
 - whether the building is being used solely for an agricultural use as part of an established agricultural unit;
 - whether the development would exceed certain building operations reasonably necessary for the building to function as a dwellinghouse;
 - whether the external dimensions of the building would be increased beyond the external dimensions of the existing building at any given point;
 - and, if these requirements are met, whether the location or siting of the building makes it impractical or undesirable for the building to change to use as a dwelling¹.

Reasons

Agricultural use

4. The proposal is for the change of use and conversion of a rural barn structure to a residential dwelling under permitted development rights. An area outside the building would be used as a curtilage for the dwelling and this would include the provision of two car parking spaces. The site lies beyond Mellis

¹ The requirements in paragraphs Q.1 (a), Q.1 (i), Q.1 (g) and Q.2 (1) (e) of the 2015 Order respectively.

Lodge, a detached house located at the end of Dam Lane, a rough track which leaves the public highway to the north of the village.

5. The appeal site comprises one corner of a sizeable rectangular field laid to grass. However, the use of the field is unclear with some miscellaneous items such as a trailer, bikes, tyres, paving slabs and domestic white goods being left near the building on the date of the site visit. There were some grazing horses in the adjacent field which it is understood is also owned by the appellant.
6. The last planning application for the site submitted in 1994, Ref. 0538/94, stated that the use of the land and/or buildings was for 'stable and horse paddock'. The agricultural holding certificate at the time confirmed that none of the land formed part of an agricultural holding.
7. The appellant still does not claim to run an agricultural holding on the land but nevertheless argues that the building is used for agricultural purposes. The appeal statement explains that the building has been and is still used for the garaging of tractors and other agricultural equipment as well as storing hay/straw and other miscellaneous agricultural items. Indeed, on the date of the site visit two tractors were being stored in the building, albeit alongside other items such as golf clubs, wood sheets and an old bike.
8. However, a letter dated 14 November 2016 makes clear that the agricultural equipment in the building belongs to a relative of the appellant who lives in Gislingham, a retired farm worker who helps out farmer friends with ploughing, cultivating, harrowing and grass cutting. The equipment is therefore being used for agricultural purposes elsewhere, but not for agricultural purposes on the landholding of which the appeal site forms part. Even disregarding any non-agricultural storage use of the building, it follows that the building is not being used solely for agricultural purposes as part of an established agricultural unit. The permitted development rights under Class Q therefore do not apply.

Building operations

9. The barn structure has a timber frame comprising a number of uprights and supports for the monopitch roof which is clad with an assortment of profiled sheets/timber and covered by a corrugated iron roof. The building appears to be generally in a poor state of repair but the proposal is to utilise the timber frame whilst incorporating a new brick plinth, timber weatherboarding, flat sarna roof and timber window and door openings.
10. The permitted development right allows for the installation and replacement of windows, doors, roofs and exterior walls which are reasonably necessary for the building to function as a dwelling. However, there is no detailed report to confirm that the timber frame is structurally strong enough to take the loading which would arise from these external works. Indeed, a letter from the Burrell Partnership, consulting engineers, states that the structure shows some signs of distress and neglect and that this will require some timbers to be completely replaced. The bottom of the timbers would be removed and a new brick plinth inserted which would be a new structural element. In addition, a new raft foundation is likely to be required to support the existing structure.
11. Whilst the Burrell Partnership claim that many of the defects are superficial and the building is not beyond economic repair, replacement timbers, a brick plinth and the introduction of a raft foundation would amount to new structural

elements for the building which are not included in the permitted development rights². The building would not be capable of functioning as a dwelling without these alterations, but they go well beyond what could reasonably be described as a conversion. They would significantly exceed the building operations included under the Class Q permitted development rights and therefore those rights do not apply.

External dimensions

12. The Council claim that drawing no. TAB221-03 shows the brick plinth would extend beyond the external dimensions of the existing timber frame whilst the appellant states it would not. From an inspection of the drawing any increase in the external dimensions of the building would be de minimis and in practice during building works it may well be possible to avoid any increase. This requirement of the Class Q permitted development rights would therefore be met.

Impractical or undesirable location

13. In view of the conclusions reached in paragraphs 8 and 11 above this issue does not need to be addressed in this appeal decision.

Conclusion

14. The proposal would not meet requirements Q.1 (a) and Q.1 (i) of the 2015 Order for permitted development rights under Class Q. The appeal should therefore be dismissed.

David Reed

INSPECTOR

² Planning Practice Guidance Paragraph 105 Reference ID: 13-105-20150305