
Appeal Decision

Site visit made on 1 August 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 8 August 2017

Appeal Ref: APP/K3605/W/17/3174504

Pound Farm, Old Lane, Cobham, Surrey KT11 1NH

- 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 Andrew Maiklem against the decision of Elmbridge Borough Council.
 - The application Ref 2016/3655, dated 7 November 2016, was refused by notice dated 30 December 2016.
 - The development proposed is change of use from agricultural building to dwelling(s) (C3 Use Class).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 3, Class Q. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) enables the change of use of an agricultural building to dwellinghouses, including building operations reasonably necessary to convert the building.
3. In this case, the Council suggest that the works are more than can be considered reasonably necessary in order to convert the building such that it would be closer to a rebuild. As such, the main issue is whether the proposed works would go beyond the extent reasonably necessary to convert the building into a dwellinghouse.

Reasons

4. The agricultural building at Pound Farm comprises a metal clad and framed barn formed of two bays with one end open and facing toward the access road. It is surrounded by a small area of curtilage with fields and paddocks beyond and a stable yard over the access road. It is proposed to change the use of this barn to a single dwelling comprising living areas on the ground floor with four bedrooms, a family bathroom and two en-suite bathrooms to the first floor.
5. National Planning Practice Guidance (PPG)¹ confirms that the permitted development right does not include the construction of new structural elements for the building. The permitted development right only applies where the

¹ PPG reference ID: 13-105-20150305

building is structurally strong enough to take the loading which comes with the external works to provide for residential use.

6. The building would be clad externally in timber with a slate or similar roof above, retaining the shape of the existing building. This would mean that all of the metal sheeting to the walls and roof of the building would be removed and replaced, and the open front enclosed by new walls, with only the existing metal frame retained within the proposed walls. Internal walls would be erected, although these may not constitute development as defined by the Town and Country Planning Act 1990. Limited information has been provided as to whether the proposed external wall cladding would rely on the existing frames for their structural support. Even if they were to do so, they would otherwise comprise new walls that would significantly alter the external appearance of the building.
7. Taking into account all of the above, I conclude that the proposed development would be more than can be considered a conversion and, consequently, the works proposed do not comply with Class Q.

Other matters

8. I understand that planning permission has been granted for works to the building, including blockwork walling with piled foundations and new steel portal frame and block and beam floor within the existing metal cladding and metal barn doors to the front of the building under reference number 2017/0681. It was clear from my site visit that these works have not taken place. I understand that these works are likely to be carried out in the event that this appeal is dismissed, but this would not affect my conclusion given that I am required, under the GPDO, to consider the conversion of the building in its current condition.
9. My attention has been drawn to other appeal decisions. The appeal decision at Sweet Meadow Farm, Icknield Street, Weatheroak, Alvechurch, Worcestershire describes that existing building as comprising blockwork, steel columns, steel lintels and concrete panels that would be converted with a new internal skin, provision of windows, doors and a small area of wall. The description of the existing structure and the works required to convert the building for residential purposes would result in substantially less alterations than those proposed to change the use of the building at Pound Farm.
10. Drawings relating to changes of use at Pisleigh Farm, Holden Brook Lane, Ockley, Dorking, Surrey RH5 5PD and Hyesfield have been provided that suggest substantial works were required to convert those buildings. However, limited information has been provided regarding those cases, such that it is not possible to compare them with the proposed conversion at Pound Farm. I also have limited information on the list of other prior approvals provided. I need to assess the proposed development on its own merits and those other decisions do not alter my conclusion that the proposed development would not comply with Class Q.
11. The planning merits of the case have been set out, including whether the development would be considered sustainable development as defined within the National Planning Policy Framework and the benefit of an additional dwelling to the housing supply. However, whether or not the proposed development would meet the terms of planning policy and guidance is a

separate consideration to whether the development would meet the requirements of the GPDO under which the application was submitted.

Conclusion

12. For the reasons given above I have found that the proposed change of use cannot be permitted development under Schedule 2, Part 3, Class Q of the GPDO as the proposed development would constitute more than can be considered a conversion under Class Q. Therefore, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR