



Appeal Decision

Site visit made on 24 July 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 16th August 2017

Appeal Ref: APP/R1845/W/17/3174098

**Barn, Upper Moor Smallholding, Timber Lane, Stourport-on-Severn,
Worcestershire DY13 9LU**

- 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) Order 2015.
 - The appeal is made by Mr Nathan Nunn against the decision of Wyre Forest District Council.
 - The application Ref 16/3044/PNRES, dated 26 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is the change of use of agricultural barn to use as a single dwelling house, including building of gable wall, construction of inner cavity walls, creation of new door and window openings and re-cladding of walls and roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO).

Main Issues

3. The main issue in this appeal is whether the proposed change of use constitutes permitted development pursuant to Class Q of Part 3 of Schedule 2 to the GPDO, having regard to the extent of the works proposed and the external dimensions of the resultant dwelling.

Reasons

4. The GPDO states at paragraph Class Q that permitted development is 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(dwellinghouses) of that Schedule.
5. Sub-paragraph Q.1.(i) states that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the

building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations. However, the works that are undertaken must not exceed works necessary to convert the building, as opposed to it being a fresh build, as set out in *Hibbitt v SSCLG and Rushcliffe BC* [2016]¹, as referred to me by the appellant.

6. The National Planning Practice Guidance² (NPPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. Nonetheless, it indicates that for the building to function as a dwelling, some building operations which would affect the external appearance of the building and which would otherwise require planning permission would need to be undertaken and should be permitted. The NPPG further clarifies that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have the permitted development right.
7. The appellant states that the steel frame and the block work walls would be retained. The existing block walls would be increased in height to the eaves of the roof and the existing metal sheets on the walls removed and replaced with timber cladding. The existing open northern elevation would have a large glazed wall with bi-folding doors. The existing roof sheets would be removed and replaced with a zinc standing seam roof. A concrete floor would also be laid.
8. The appellant contends that the concrete floor, construction of block work walls behind the existing metal sheeting and the inner leaf of blockwork are not considered to be development under s55 of the Town and Country Planning Act 1990 (the Act). Notwithstanding the above, s55(2)(a) of the Act only applies to works of "*maintenance, improvement or other alteration of any building*". The works identified by the appellant have not taken place and the determination of this appeal relates to a proposed conversion under Class Q of the GPDO in terms of works reasonably necessary to convert the existing building. Consequently, there is a difference between works that affect only the interior of the building falling under s55(2)(a) of the TCPA and those carried out under Class Q of the GPDO.
9. The works proposed utilise very little of the existing building, i.e. the steel frame and the low, single-skin block wall. The proposal would require a significant amount of works, most notably the significant raising of the existing blockwork, the recladding of the walls, the complete building of the northern wall, the replacement of the roof and the construction of a concrete floor. Such works could be said to fall under the scope of Class Q.1(i). However, Q(b) concerns the conversion of the building and Q1.(i) the works reasonably necessary to achieve this. As set out in the NPPG, the assumption is that the building in question is capable of functioning as a dwelling. The only parts of the building that would likely be retained would be the existing steel structure and the low block work. Therefore, I consider that the works required to

¹ *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

² Paragraph: 105 Reference ID: 13-105-20150305

enable the building to function as a dwellinghouse go beyond a conversion and the statutory limits of what could be considered reasonably necessary to achieve this. The proposal would in all practical terms be starting afresh, with only a modest amount of help from the original agricultural building.

10. There is no evidence before me, in the form of a structural report, that the existing steel frame could support the proposed zinc standing seam roof without any alterations to it. Whilst the blockwork appears to be straight, there is no indication as to what conditions the foundations are in and whether they could support the additional weight of building on top of the existing block work, the addition of an inner leaf and the timber cladding. Furthermore, there is no evidence to indicate how the large expanse of glazing in the north elevation would be supported. Accordingly, there is insufficient evidence to demonstrate that the proposal would not require works that would go beyond what is reasonably necessary for the building to function as a dwellinghouse.
11. The Council also contend that the proposed dwelling would exceed the external dimensions of the existing building. They have provided tables indicating the differences between the external dimensions of the existing and proposed building. However, based on the drawings submitted, it appears to me that the building would not exceed the external dimensions at any point. The appellant also confirms as such. Therefore, I find that the proposal accords with Q.1(g).
12. Based on the above the proposed works would go beyond building operations reasonably necessary to convert the building as set out in Q (b) and Q.1(i) and as such would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO.
13. Given my conclusion above there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

Conclusion

14. For the reasons set out above, and having had regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR