
Appeal Decision

Site visit made on 1 August 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/P1805/W/17/3174490

Building off Fockbury Road, Dodford, Bromsgrove, Worcestershire, B61 9AP

- 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 (as amended).
 - The appeal is made by Mr D and Mrs P Dedicoat against the decision of Bromsgrove District Council.
 - The application Ref 16/1130, dated 14 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is change of use of agricultural building to 1 new dwelling house.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of agricultural building to 1 new dwelling house at the building referred to as 'Building off Fockbury Road, Dodford, Bromsgrove, Worcestershire, B61 9AP' in accordance with the details submitted subject to the following condition:
 - 1) The development hereby approved shall be carried out in accordance with the following plans: the undated 'Promap' Site Plan, marked 'Rev A', which identifies the proposed curtilage in red; and drawing nos. DD/FRD/01 and DD/FRD/02, both dated 13/08/2016.

Procedural Matters

2. Prior approval for change of use of the appeal building to a dwelling house under Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as Class Q) was granted in March 2016¹. Given that building operations are clearly intended, the appeal application was submitted to allow an assessment under both Classes Q (a) and (b).
3. Class Q (b) covers the building operations reasonably necessary to convert the building to residential use. The appeal application includes details of the design and external appearance of the building, and consequently I have dealt with

¹ Ref 16/0083-prior approval for change of use to agricultural building to 1 no. dwelling house (Class Q (a)) at building off Fockbury Road, Dodford, Worcestershire; dated 22 March 2016.

the appeal on the basis that prior approval is being sought under Classes Q (a) and (b).

Main Issue

4. The main issue is whether the proposed conversion of the appeal building would meet the requirements of Class Q of the GPDO.

Reasons

5. The appeal property is a large, free standing agricultural building, located on Fockbury Road in open countryside, well away from the nearest settlement boundary.
6. There is an extant consent under Class Q (a) and with this in mind, there is no disagreement between the main parties that the property was used for agricultural purposes on the specified date; that it is now unused; and that there is no evidence of any intervening use.
7. In relation to Class Q (b), which governs the building operations that are reasonably necessary to convert the building referred to in Class Q (a) to a use falling within Use Class C3 (dwelling houses), three concerns are identified by the Council. These are (i) that the building would require significant structural intervention; (ii) that the proposed curtilage would considerably exceed the limitations within the interpretation of Schedule 2, Part 3, Class Q of the GPDO; and (iii) that the proposal would entail substantial new building works, to the extent that it would amount to a new building and not a material change of use.
8. The GPDO emphasis on assessing whether an agricultural building can become a dwelling under permitted development is on whether it can be converted, as opposed to being rebuilt. Class Q (b) criterion (i) specifies that development of building operations other than windows, doors, roofs or exterior walls would not be permitted. The PPG paragraph 105² clarifies any ambiguity by stating: "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 from the external works to provide for residential use that the building would be considered to have the permitted development right".
9. From reading the Appellants' Schedule of Works, the proposals which are related to the structure of the existing building can be summarised as follows: (i) the existing concrete pad foundations are to be retained; (ii) the existing reinforced concrete ground bearing floor slab is to be retained; (iii) the portal frame structural elements are to be retained; (iv) the existing external timber vertical board cladding and horizontal boarding rails are to be retained; and (v) the existing corrugated cement based roof is to be removed and replaced with a lightweight composite profiled metal roof sheeting system.
10. The Council questions some of these elements, but the proposed provision of a new internal skin is not of itself critical to the external structure, whilst the comments in relation to additional purlins to strengthen the roof structure is denied by the Appellants, who state that no new timber purlins are required. The Council also questions how a mezzanine floor can be supported without

² PPG Reference ID: 13-105-20150305 *Are any building works allowed when changing to residential use?*

some structural intervention. The Appellants explain that the first floor element is an existing storage area which is to be retained and treated as non-habitable loft storage. This was clearly observed at the site visit.

11. Having regard to the evidence before me, including detailed technical submissions from the Appellants, I conclude that the proposed schedule of works would not include any elements other than those which are reasonably necessary for the conversion of the property to a dwelling house. I therefore consider that the existing building is structurally robust enough to securely accommodate the proposed works as detailed in the Appellants' statement and drawings. As such it would comply with the requirements of Class Q (b) in relation to criterion (i).
12. In relation to the proposed curtilage, the Council is concerned that the boundary which was approved in the Class Q (a) permission has been redefined and does not correspond with the curtilage which has been already approved. In response, the Appellants explain that the small area of land around the building, defined by the red line on the submitted plan, could act as the residential curtilage, covering an area no greater than the footprint of the building. This is a pragmatic and appropriate response to the Council's concern, and clarifies any potential misunderstanding which could arise from the red line on the other appeal drawings which show a significantly larger area, which would clearly conflict with the provisions of paragraph X of the GPDO.
13. The Council has raised no other matters which would lead me to the view that it would be otherwise impracticable or undesirable for the building to change from agricultural use to a dwelling. Accordingly I conclude that there would be no adverse impacts in respect of any other matters set out in paragraph Q.2 (1) of the GPDO.
14. Dodford with Grafton Parish Council expresses a number of concerns, all of which would be material if I were considering a planning application and not a prior notification application. In particular, permitted development rights do apply in the Green Belt and the location of the appeal property within the Green Belt therefore cannot be used as a reason to dismiss the appeal.
15. The GPDO states at paragraph Q.2 (3) that development under Class Q is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
16. Paragraph W.(12) (a) of the GPDO also requires that the development is carried out in accordance with the details provided in the application. I have therefore attached a condition identifying the approved plans for the appeal structure, to provide certainty.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed, subject to the condition listed.

Mike Fox

INSPECTOR