



Appeal Decision

Site visit made on 9 August 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 29 August 2017

Appeal Ref: APP/Y2620/W/17/3173552

Barn at Poplar Farm House, Chequers Street, East Ruston, Norfolk NR12 9JT

- 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 and Mrs J Stares against the decision of North Norfolk District Council.
 - The application Ref PU/16/1634, dated 28 November 2016, was refused by notice dated 24 January 2017.
 - The development proposed is the change of use of an agricultural building to a use falling within Class C3 (dwelling house).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refused planning permission for two reasons. One is set out below and the other was that they were not satisfied the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use. Following further information submitted with the appellant's statement, it seems clear that the Council are now satisfied that the last use of the building was agricultural. The other reason however stands. I have no evidence before me to dispute what is now common ground between the Council and the appellant.

Main Issue

3. With the above in mind, the main issue in the determination of this appeal is whether the proposed development would consist of building operations other than the installation of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services, to the extent reasonable necessary for the building to function as a dwelling house.

Reasons

4. The proposed development seeks to create two dwellings out of the appeal building which comprises five pairs of steel uprights, each supporting a corresponding truss type roof frame. The roof is covered in profile cement fibre sheet and some of the walls are partially built of timber sleepers. For the most

part however, the building is open to the majority of its elevations. It sits on a concrete pad which also forms the building's floor.

5. Paragraph 105 of Planning Practice Guidance (PPG) refers to the assumption of Class Q that the agricultural building is capable of functioning as a dwelling. Recognising however that for this to be possible some building operations which would affect its external appearance, which would otherwise require planning permission, should be permitted. This may allow such things as replacement windows and doors, roofs, exterior walls and connection of utilities. Making it clear that such is to an extent reasonably necessary for the building to function as a dwelling house.
6. As well as this reasonably necessary to function test, it has been established that it is not the intention of Class Q to include the construction of new structural elements which is where the proverbial line in the sand appears to be drawn. 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.
7. The scheme before me would locate its external walls, which would be completely new in their entirety, inside the steel uprights that support the existing roof. The steels do not appear to be incorporated into the proposed dwellings' fabric. There is also a first floor proposed, which I cannot see could be supported without the introduction of a new structural element. Indeed, and with regard to the project as a whole, the appellant's own Conceptual Structural Engineering Design Statement concludes that.....*"Notwithstanding the fact that the existing building is performing adequately for its present use, we believe that an effectively independent structure should be provided which is sufficient to support both vertical and horizontal forces."*
8. The proposed dwellings would be, for all intents and purpose, erected as buildings in themselves, supported by new structural elements, inside the existing building. The works being within the extremities of the existing building are the only clear signs to me that the new dwellings would have any regard to the existing building's fabric. It seems to be the case that the existing building's structure and roof would remain purely for aesthetic purposes. Put simply, and for the reasons I have set out, the proposed works to alter the use and function of the building to two dwellings would be so extensive as to go substantially beyond that which Class Q considers necessary for it to function as a dwelling house as well as introducing significant new structural elements which are explicitly precluded by PPG.

Conclusion

9. Accordingly the appeal scheme would not be permitted development for which Class Q, of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 grants a deemed planning permission. The appeal therefore fails.

John Morrison

INSPECTOR