
Appeal Decision

Site visit made on 7 August 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/V2255/W/17/3173539

Crockham Farm Oast, Crockham Lane, Hernhill, Faversham, Kent ME13 9LZ

- 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 Mrs Ninette Traske against the decision of Swale Borough Council.
 - The application Ref 16/508496/PNQCLA, dated 20 December 2016, was refused by notice dated 23 February 2017.
 - The development proposed is to convert the existing building into a single-storey dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013, if vacant on that date when last in use, or if brought into use after that date for a period of at least ten years;
 - whether the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
 - whether the building operations necessary for the building to function as a dwelling amounts to a conversion or exceed those permitted; and
 - whether the proposed curtilage of the dwelling would exceed the maximum permitted¹.

Reasons

Agricultural use

3. It is a fundamental requirement for permitted development under Class Q that the building concerned is an agricultural building that meets the detailed eligibility criteria under paragraph Q.1(a). In this case the building comprises an old brick built Oast House, used to process hops from the surrounding

¹ The requirements in paragraphs Q.1 (a), Q.1 (g), Q.1 (i) and X of Schedule 2, Part 3 of the 2015 Order respectively.

farmland. It was built around 1900 and according to the application form was last used about 1950. After this the building began to fall into its current derelict state and it is understood that severe damage occurred during the storms of 1987 when the roof was lost. Sections of the front and back walls are now missing together with parts of the end walls, the floors have collapsed and the building is overgrown with vegetation.

4. There is no dispute that the building was once in agricultural use, but for many years it has been allowed to fall into serious disrepair. In particular, since the storms in 1987 there is no evidence that any effort has been made to re-roof or otherwise repair the building or even to prevent further deterioration with the intention of reusing it at some point in the future. On the contrary, the building has remained unused for a lengthy period of time and its physical deterioration is such that a reasonable person would conclude that the building and its previous use had been abandoned. The status of the building as an ex-agricultural building that is eligible for potential conversion to residential use under Class Q has therefore been lost.

External dimensions

5. The proposal is to create a single storey pitched roof dwelling from the roofless remains of the previous two storey building. This would involve rebuilding the missing sections of the front and back walls to single storey height, adapting the end walls to form two gable ends and constructing an entirely new pitched roof to cover the building. The footprint of the building would be unchanged.
6. Raising the height of the front and back walls would increase the external dimensions of the existing building at those points even though this would not be necessary at either end where the walls are higher. In addition and even more clearly, raising the height of the end walls to create an apex for the gable ends would increase the external dimensions of the building at those two points. The proposal would therefore extend the dimensions of the existing building at these various points in conflict with a criterion for permitted development rights under Class Q.
7. The building was originally of two storeys but the criterion relates to the size of the existing building. The appellant also argues that it would be possible to avoid the apex issue by lowering the pitch of the roof, but no amended plans to this effect have been submitted.

Building operations

8. The structural appraisal of the building submitted with the application noted the remaining walls are of solid brick construction and where visible appear to be stable and in relatively good condition. There is also no evidence of foundation movement and as the building was originally of two storeys it can be assumed that the foundations are adequate to support a reduced single storey structure. The existing building would therefore be strong enough to take the loading of the new walling and roof. However, sections of the front and back walls would need rebuilding to eaves height to support the new roof and the roof itself would require internal structural support. These would therefore amount to new structural elements for the building and such elements are not included within the building operations permitted under Class Q².

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

9. In any event, the extent of the building works necessary to enable the building to function as a dwelling would be excessive. On the appellant's own figures, about 28% of the walls would be new and a completely new roof would be required. Most of the window and door openings would be new and any semblance of the previous Oast House building would be lost. Notwithstanding that the installation and replacement of windows, doors, roofs and exterior walls are included in the description of permissible works under Class Q, the necessary works in this case would go well beyond what could reasonably be described as a conversion of the building. This is a prerequisite for the permitted development right to apply. The works would amount to a substantially rebuilt structure rather than a conversion and this would exceed the extent of works permissible under Class Q.

Curtilage

10. The appellant states that the building footprint is 203 m² and the proposed garden space would be 195 m². However, this excludes the 'driveway for vehicle access to garage' and 'hardstanding for rear access' shown within the proposed new curtilage for the property on the application plans. The total curtilage would therefore slightly exceed the floorspace of the building contrary to the requirement in the 2015 Order that it should be no larger. The basis for the figures within the Council officer report are not clear but they appear to confirm the position³. A minor amendment would rectify the problem, but as matters stand this further criterion for permitted development rights under Class Q would be breached.

Conclusion

11. The proposal would not meet the requirements in paragraphs Q.1(a), Q.1(g), Q.1(i) or X of the 2015 Order for permitted development rights under Class Q. The appeal should therefore be dismissed.

David Reed

INSPECTOR

³ The report states the building measures 189 m² and the curtilage would be 216 m².