
Appeal Decision

Site visit made on 31 October 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/L2820/W/17/3179641

Agricultural Building, Loddington Coppice Farm, Old, Northampton NN6 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Ms S Knight against the decision of Kettering Borough Council.
 - The application Ref KET/2017/0179, dated 7 March 2017, was refused by notice dated 21 April 2017.
 - The development proposed is change of use of agricultural building to 1 No dwellinghouse.
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Decision

1. The appeal is dismissed

Procedural Matters and Main Issue

2. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits a change of use of a building and any land within its curtilage from a use as an agricultural building to a residential use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended and the building operations reasonably necessary to convert the building to that use.
3. The appeal building already benefits from prior approval for the change in use¹. However, the Council considers that the proposal is not permitted development because the works would require building operations beyond those which fall within the category specified in Q.1 (i) of the GPDO. The main issue is therefore whether the proposal meets the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Reasons

4. Q.1 (i) of the GPDO indicates that development is not permitted if the development under Class Q (b) of the GPDO would consist of building operations other than the installation or replacement of (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling. Furthermore, the Planning Practice Guidance advises² that Class Q of the GPDO assumes that the agricultural building is capable of functioning as a

¹ Council Reference KET/2016/0447 & KET/2016/0691

² Paragraph 105 Reference ID 13-104-20150305

- dwelling. Moreover, it makes clear that it is not the intention to include the construction of new structural elements for the building.
5. The appeal building structure consists of timber poles, timber cross beams and timber roof trusses. Its roof is covered with corrugated steel sheeting. The sides of the building are part open and part enclosed with a range of materials including timber framed and clad panels and plastic sheeting.
 6. The proposal would involve the retention of the timber structure. A new concrete slab floor would be laid and new internal and external wall linings installed. Whilst I note the appellant's structural survey confirms that the conversion can take place within the fabric of the existing building using the existing structural elements, there is limited information before me on the existing foundations.
 7. I find no reason to disagree that the existing timber frame is structurally sound and capable of carrying the load of the proposed works. However I do not know if there are any foundations of any substance or if there are; how the existing structural poles connect to them. Without details of the foundations or their juncture with the timber frame I am not satisfied that the substantial construction work necessary and the additional loading would not compromise the overall structural integrity of the existing building particularly with regard to the foundations and their connection with the above ground structure.
 8. As such, and with the absence of any substantive evidence to the contrary, I find there is a high risk that the proposed development would include works to the foundations or even constructing new foundations. Furthermore, the proposal could also involve taking down and re-building parts of the structure to undertake any foundation strengthening works. That said, the foundations are a structural element of the building and any significant re-building associated with such would not fall within what could be reasonably regarded as a conversion.
 9. Thus, with the absence of any substantive evidence to the contrary I must conclude that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond works reasonably necessary to convert the building and could involve the construction of new structural elements for the building in the form of foundation works.
 10. Consequently, I am not satisfied the building is capable of conversion within the scope of the permitted development rights under Class Q of the GPDO and the proposed works would amount to development for which an application for planning permission would be required. Thus, the proposal would not therefore meet the pre-conditions in Q.1 (i) of the GPDO for it to be capable of being permitted development.

Other Matters

11. In reaching these conclusions I note the appellants comments about whether prior approval is required under Q.2 (1) (f) of the GPDO as to the design or external appearance of the building. However, I have found the proposal would not be permitted development and it is not therefore necessary for me to consider matters relating to such any further.
12. I have also considered the Council's comments about whether or not the appeal proposal would meet the provisions of Q.1 (d), (e) and (f) of the GPDO.

However, I note these matters are not referenced in the reasons for refusal, the Council have already granted prior approval for the change of use of the appeal building where such matters would have been considered and as I am dismissing the appeal for other reasons I have not considered these matters in detail.

Conclusion

13. I have found that the proposed works would fall outside of the limitations of paragraph Q.1 (i) of the GPDO and would go substantially beyond the building works reasonably necessary to convert the building to function as a dwellinghouse. Therefore, for the reasons given and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR