
Appeal Decision

Site visit made on 10 October 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 9 November 2017

Appeal Ref: APP/A0665/W/17/3179664

Land and Buildings at Crewood Common Road, Crowton, Cheshire CW8 2RB

- 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 Robin Atkinson against the decision of Cheshire West & Chester Council.
 - The application Ref 16/05050/PDQ, dated 9 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is conversion of a former calf rearing shed to one residential dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for the conversion of a former calf rearing shed to one residential dwelling at Land and Buildings at Crewood Common Road, Crowton, Cheshire CW8 2RB in accordance with the terms of the application Ref 16/05050/PDQ, dated 9 November 2016, and the plans submitted with it.

Main Issue

2. The main issue is whether the proposed conversion constitutes development permitted by Class Q of the GPDO.

Reasons

3. Class Q of the GPDO relates to 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 (dwelling house); and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling house). The Planning Practice Guidance provides further advice on the interpretation of the permitted development right. Procedures for making applications for prior approval are set out in Paragraph W of the GPDO.
4. The appeal building is located within a field off Crewood Common Road. It is steel framed and it is my understanding that it was originally clad in wooden 'Yorkshire' boarding above a low blockwork plinth. Blockwork walls were subsequently inserted between the metal supports. Following an enforcement

notice which was upheld at appeal, in 2013 planning permission was granted for the retention of the existing blockwork walls, infilling of a door and window openings with additional blockwork and re-clad the building with Yorkshire boarding. At my site visit I saw that the building is covered in wooden cladding, but do not have the full details of the scheme approved in 2013 and therefore cannot confirm whether the works carried out to date are in accordance with that permission.

5. The current proposal is to convert the building to a single dwelling with agricultural storage at ground floor level. A first floor would be constructed within the building to accommodate the living accommodation. Furthermore, there would be areas of glazing added to each elevation, an agricultural storage access, two doors on the west elevation and one door on the east elevation. The plans indicate that the roof would be standing seam zinc / fibre glass with velux roof lights, the walls would be vertical wooden cladding and the windows would have grey PVC / aluminium frames. The ground floor of the building currently consists of earth and it is my understanding that a new concrete slab or similar floor would be required.
6. Paragraph Q.1 of the GPDO sets out that development under Class Q will not be permitted if, among other things, *'(i) the development would consist of building operations other than (i) 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 dwellinghouse and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).'*
7. It is clear to me that it is not the intention of Class Q to include the construction of new structural elements. 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. The structural survey submitted with the appeal confirms that the building is in good structural condition with little to no sign of structural compromise. The concrete block work, steel components and foundations are in good condition and the roof has maintained its integrity. In conclusion, the survey states that the building is well placed to allow for all associated works pertaining to residential conversion, including the proposed first floor, without any additional strengthening to the portal frame or additional foundation works.
8. I recognise that the proposed internal works would add to the structural integrity of the building; however, those structural elements are reasonably necessary for the conversion of the building to be implemented. The additional floor is a new structural element of the building and is required for new internal walls to be built, but these and other works are also reasonably required in this particular case. The roof replacement, new internal walls, substantial glazing elements and the new floor do not constitute new structural elements. Even though they are required for the successful conversion of the building to residential use they do not go beyond the limitations of Class Q.
9. The Council contends that Class Q does not permit a change of use from agricultural to a mixed development of C3 and agricultural. However, since 'building' is defined in Article 2 of the GPDO as including 'part of a building' it is possible to change the use of part of an agricultural building under Class Q,

leaving part of the building in agricultural use so long as the dwellinghouse would not exceed 450 square metres. This is the case with the current appeal where part of the building would be used for agricultural storage purposes. In coming to my conclusion I have been mindful of the High Court Judgement in the case of *Hibbitt v SSCLG* (2016) EWHC (Admin).

10. The Council has expressed some concern that the ground floor would be used for agricultural storage based on the low level entrance. However, although the proposed door in the side elevation is relatively low this does not alone provide me with sufficient evidence that the specified use is unlikely.

Other matters

11. I am aware of the planning history of the site including previous applications, appeals and enforcement action. Although these are relevant to the case before me I have determined the current appeal in the light of the evidence presented. It has been argued that the building was not originally designed to incorporate a first floor and residential use the GPDO provides a set of criteria against which a conversion such as the current proposal can be granted without the requirement for planning permission.
12. I have considered interested parties' comments that the proposal would set a precedent for other similar developments. Each case must be determined on its own merits in accordance with very specific circumstances and as such a concern of this nature does not justify withholding permission in a prior approval case such as this.
13. Furthermore, in determining cases such as this where the main issue is whether the proposed development constitutes development permitted by the GPDO my assessment is based on specific criteria set out in the GPDO rather than planning issues such as the Green Belt location, visual impact, living conditions and the development plan, among others.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed. Development under Class Q must be completed within a period of three years from the approved date above as specified by Paragraph Q.2(3) of the GPDO.

Alastair Phillips

INSPECTOR