



Appeal Decision

Site visit made on 24 October 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 13th November 2017

Appeal Ref: APP/V3310/W/17/3179249

Agricultural building at Barton Grange, Fordgate, Bridgwater, Somerset, TA7 0AR

- 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 Alasdair Brown against the decision of Sedgemoor District Council.
 - The application Ref 37/16/00085/STP, dated 13 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is for a change of use of an agricultural building to two dwellings and associated operational development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

3. Schedule 2, Part 3, Class Q permits development consisting of a change of use of an agricultural building to a residential dwelling (Q(a)) as well as building operations reasonably necessary to convert it (Q(b)).
4. Prior approval is sought under both paragraphs Q(a) and Q(b) of the Order. However, the Council has not raised any issues in respect of the exclusions which apply to paragraph Q(a). Furthermore, my attention has been drawn to a previous appeal on this site which involved the present structure and which granted approval for the change of use element, albeit for three residential dwellings. In the absence of anything to indicate that the criteria for establishing permitted development for Q(a) are not satisfied, I do not consider it necessary to revisit the question of whether the change of use proposed is permitted development. The central issue is therefore whether the building operations proposed would be permitted development under Class Q(b).
5. Where a proposal falls within the permitted development right of Class Q, development is permitted unless otherwise restricted by one of the exceptions, limitations or conditions set out in the Order. Paragraph Q.1(i) places such a limitation on the building operations permitted by restricting them to the

installation or replacement of windows, doors, roofs or exterior walls¹ to the extent reasonably necessary for the building to function as a dwelling house. It also allows for the partial demolition to the extent reasonably necessary to carry out such works.

6. However, in order for the permitted development right to apply, the development proposed must fall within the concept of a 'conversion' as opposed to a 'rebuild'. If it does not, it fails at the first hurdle and does not constitute permitted development. There is, however, little guidance as to where the dividing line between a conversion and rebuild (or new build) lies. It is a question of judgement for the decision maker in each case having regard to both the type and extent of the works proposed.
7. The appeal property consists of a steel framed Dutch barn which is open on its north and east elevation. To the rear, there is a timber framed lean-to structure with low level stone work which, along with the remaining side and roof, is clad with corrugated metal sheeting. The proposal would involve the infilling of the two open elevations, the repair or replacement of the existing metal cladding and roof, as well as the insertion of windows, doors and balconies. It would also involve the laying of new floors, the provision of a new terrace and the partial demolition of the existing steel structure.
8. While I note the appellant's Structural Inspection Report and Schedule of Works which conclude that no new structural elements are required to support the loading proposed, even accepting that a large part of the existing cladding is in a suitable condition to be retained, the enclosure of the two open elevations would require considerable amounts of infill to construct exterior walls suitable for a residential dwelling. When taken with the other works outlined above, the extent of building operations necessary would, in my view, be substantial.
9. Even though I accept that substantial works could fall under the scope of building operations within Class Q², in the proposal before me, the barn would only be capable of functioning as two residential dwellings following the substantial reconstruction of a considerable amount of its fabric. This would, in my view, go beyond what could reasonably be described as conversion and would be so extensive as to comprise rebuilding.
10. Consequently, I conclude that the works necessary to effect the change of use from the existing barns to residential dwellings would not fall within the scope of that permissible under Class Q(b). Accordingly, the proposal would not be permitted development.

Other Matters

11. I have found above that the proposal would not fall within the scope of that which is permissible under Class Q(b). In such circumstances, I do not consider it necessary to consider whether prior approval is required under Q.2(f).
12. I have noted the other appeal decisions referred to by the appellant in support of their position. However, although I do not have the full details of those developments, it appears from the limited information available that in many cases the buildings involved were of a more substantial construction than is the

¹ As well as water, drainage, electricity, gas or other services.

² Notwithstanding the limitations imposed by Paragraph Q.1(i).

one in the present case. In any event, each application must be considered on its own merit and that is the approach I have taken in determining this appeal.

Conclusion

13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR