



Appeal Decision

Site visit made on 13 December 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 09th January 2018

Appeal Ref: APP/V3310/W/17/3181124

Building 1, Higher Hockpitt Farm, Bincombe, Bridgwater TA5 1EZ

- 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 K Barrow against the decision of Sedgemoor District Council.
 - The application Ref 40/16/00011/STP, dated 7 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is change of use of building and curtilage to a dwellinghouse under Class Q.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q. (a) & (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a building and curtilage to a dwellinghouse at land at Building 1, Higher Hockpitt Farm, Bincombe, Bridgwater TA5 1EZ in accordance with the terms of the application Ref 40/16/00011/STP, dated 7 December 2016. The approval is subject to the following conditions:
 - 1) The development hereby permitted must be completed no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 200.01, 200.02, 200.03 Rev A, 200.04, 200.05 Rev A, 200.06, 200.07 & unreferenced location plan.
 - 3) No development shall take place in respect of the external walls and roof of the dwelling hereby approved until samples of all external facing materials have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved samples and approved details.

Preliminary Matters

2. Amended plans referenced 200.03 Rev A and 200.05 Rev A were submitted with the appeal but were not before the Council at the time it determined the application. The amended plans correct inaccuracies in labelling and show a north point. The proposal remains substantially the same as that which was before the Council. Therefore, I am satisfied that none of the parties will be prejudiced if I take the amended plans into account in my decision.

3. I have omitted reference to Class Q in the description of the development in my formal decision, at it is superfluous.

Main Issues

4. The main issues in this appeal are whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), having regard to:
- The extent of the proposed building operations.
 - The design and appearance of the proposed dwelling.

Reasons

Extent of building operations

5. The appeal site consists of a large concrete framed livestock building. The building has a higher central section with lean-tos along both sides, behind which are half-height concrete panel walls. The building is open at one end. The other end elevation has half-height concrete panel walls with timber board above. The roof is covered by fibre cement sheeting.
6. The proposal would involve reducing the building to around one third of its current size by demolishing both lean-tos. This would expose the existing half-height concrete panel walls along both sides of the central section. These panels would be rendered and new timber cladding added above, with a series of glazed openings at ground and first floor levels. The open end of the building would be filled with rendered concrete panels and timber boarding above punctuated by a large glazed opening. On the other end elevation, the existing concrete panels would be rendered, timber cladding would replace the existing boarding and there would be a series of glazed openings. A zinc covering would replace the existing roof sheeting.
7. In order to benefit from the permitted development right under Part 3, Class Q of the GPDO, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building. Paragraph Q.1 (i) limits permitted building operations to the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out these building operations.
8. The Planning Practice Guidance (PPG) explains that it is not the intention of Class Q to include the construction of new structural elements for the building. Therefore it is only where an 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 right¹.
9. The substantial concrete frame supporting the central section of the building, together with the roof structure, the half-height concrete walls on three sides and the concrete floor would all be retained and would therefore form a

¹ Paragraph: 105 Reference ID: 13-105-20150305.

significant part of the fabric of the proposed dwelling. Accordingly, it would not be accurate to say that very little of the existing building would remain.

10. The existing frame is the primary source of structural support for the building. The appellant's structural report confirms that the frame can support the loadings associated with the proposed external and internal works. There is no firm evidence before me which would indicate otherwise. Therefore, there is nothing to suggest that any of the proposed building operations would comprise new structural elements for the building.
11. Cumulatively, the proposed works to the building would be quite extensive. However, by referring to 'installation' as well as 'replacement', paragraph Q.1 (i) provides considerable scope for works to be permitted development, provided they meet the 'reasonable necessity' test. None of the works described above would fall outside of the list of building operations in paragraph Q.1 (i). The extent of the works proposed would seem to me to be no more than at a minimum level required to make the building reasonably weather tight and suitable for human habitation. Consequently, the works would not exceed that which would be reasonably necessary for the building to function as a dwelling. The lean-tos would need to be removed in order to undertake the above works. Therefore, the extent of the partial demolition proposed would not exceed that which would be reasonably necessary to carry out permitted building operations.
12. Therefore, the proposal would not amount to a substantial rebuilding of the existing structure and it would not breach the limitation at paragraph Q.1 (i). The Council did not find any breach of the limitations at paragraph Q.1 (a)-(h) and (j)-(m). In my own assessment I found no reason to disagree with the Council in respect of those matters.

Design and appearance

13. The design and appearance of the dwelling would largely echo the simple functional characteristics of the existing building and its rural surroundings in a contemporary manner. In particular, the use of modern lightweight cladding and roof coverings reflects the inherent characteristics of the existing building and that of many modern rural buildings.
14. I acknowledge that the building is a noticeable feature in the surrounding countryside. This is primarily on account of its large scale and elevated location away from any large group of buildings. Even so, the dwelling would be of a substantially smaller scale when compared with the existing structure. Consequently, whilst the setting would be more residential the visual impact of the built form on the wider countryside would be significantly reduced. Moreover, the dwelling would be viewed alongside the existing farmhouse.
15. Therefore, the dwelling would not appear as an alien feature and it would not harm the appearance of the building or its surroundings. As a result, the proposal would be consistent with national policy² on good design and recognising the intrinsic character and beauty of the countryside. Accordingly, the design and appearance of the proposal is acceptable pursuant to paragraph Q.2 (1) (f).

² In the National Planning Policy Framework.

Other matters

16. I acknowledge that Over Stowey Parish Council would prefer an alternative access arrangement. However, the Council did not object on grounds of the transport and highways impact of the proposal and I have not found any reason to disagree with them. The Council also did not raise concerns regarding contamination or flooding risks, or whether the location or siting of the barn makes it otherwise impractical or undesirable to be changed to residential use. Having made my own assessment of these matters I have not found any reasons to come to a different conclusion. Therefore, there are no reasons why prior approval should not be given in respect of the matters listed at paragraph Q.2 (1) (a)-(e).

Conditions

17. Paragraph Q.2 (3) of the GPDO requires that the development must be completed within three years. Paragraph W (12) requires that the development must be carried out in accordance with the approved details. I have therefore imposed these conditions. Paragraph W (13) allows for the imposition of conditions reasonably related to the subject matter of the appeal. Therefore, I have also imposed a condition requiring the prior approval of samples of the external materials to be used on the building. This is in order to ensure that the development safeguards the character and appearance of the area. No other conditions have been suggested and in my view none would be necessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR