
Appeal Decision

Site visit made on 9 July 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2018

Appeal Ref: APP/H1840/W/18/3193776

The Hay Barn, Woodbury Holding, Woodbury Lane, Norton, Worcester, Worcestershire WR5 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, 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 Christopher Sadler against the decision of Wychavon District Council.
 - The application Ref 17/02007/GPDQ, dated 1 October 2017, was refused by notice dated 24 November 2017.
 - The development proposed is to change the existing 25 year old hay barn into a single bedroom bungalow, location as indicated on attached O/S map shaded in yellow. The existing building is of steel frame with a cement fibre sheeted roof. The building is located in my farm yard and separate from the other agricultural buildings still in use as tractor and implement and hay storage buildings. The proposed building to change has a clear view across open farmland towards the Bredon Hills. No other residential buildings except the house I live in and own. The hay barn (redundant) has a hard road surface along one side, open fields on the south side.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above is taken from the planning application form. Although not as concise as the Council's description of development it relates directly to the development the appellant has applied for. Notwithstanding minor changes to sentence structure, I have considered the appeal on the basis of this description.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDQ 2015) requires the local planning authority to assess the proposed development against the criteria set out in Class Q taking into account any representations received. My determination of this appeal has been made in the same manner.
4. The Council has not cited conflict with policies from the development plan in their refusal notice, associated officer report, or in the course of the appeal. As such I have approached this appeal on this basis.

Main Issue

5. There is no dispute that the proposal meets the requirements of Schedule 2, Part 3 paragraphs Q.1(a) to (h) or (j) to (m) of the GPDO 2015. The matter in dispute is whether the proposal would meet the requirements of paragraph Q.1(i)(i)(aa) of the GPDO 2015. Therefore, the main issue in this case is whether or not the proposal is permitted development under the provisions of Schedule 2, Part 3, Class Q of the GPDO 2015 and, if so, whether or not it would require prior approval in respect of the accompanying conditions in paragraph Q.2.

Reasons

6. Schedule 2, Part 3, Class Q of the GPDO 2015 permits 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 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) building operations reasonably necessary to convert the building. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1 and to conditions in paragraph Q.2 setting out the circumstances when an application to the local planning authority for a determination as to whether the prior approval of the authority will be required.
7. Paragraph Q.1(i)(i)(aa) of the GPDO 2015 states that the development should not consist of building operations other than the installation or replacement of windows, doors, roof or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse.
8. Further guidance on the building works allowed under Class Q is contained within paragraph 105 of the Planning Practice Guidance (PPG). Amongst other things, this states that *it is not the intention of the permitted development right to include the construction of new structural elements for the building. 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.*
9. The appeal site concerns a vacant barn which is open on two sides and enclosed on two. Various works are proposed to include the replacement of a concrete wall, construction of a floor, insertion of windows and doors and construction of a roof. There is no structural report which accompanies the development proposed but it is clear within the evidence that, to replace the roof with plastic (PVC) coated steel sheets, a wooden pre-made lean to frame would be required that incorporates the existing steel frame and wooden purlins to strengthen the joists span. Additional structural works to the roof would be required, therefore, to enable the conversion of the building to a dwelling.
10. It is incumbent on the appellant to produce sufficient information to demonstrate that the existing building is structurally strong enough to take the load as a result of the works proposed and therefore that the requirements of the Class are fulfilled. The information before me is devoid of any loading calculations. Nonetheless I have found that works, as discussed above, are required to adequately support the existing structure. As such, and mindful of paragraph W(3)(b) of Schedule 2, Part 3 of the GPDO 2015, I am not satisfied

on the basis of the evidence before me that the proposal would comply with paragraph Q.1(i)(i)(aa) of the GPDO 2015.

11. Paragraph 105 of the PPG states that it is only where the existing building is structurally strong enough to take the loading which comes with the external works required that the development would benefit from the permitted development right.
12. I therefore conclude that the proposed development would go beyond building operations reasonably necessary to convert the building as set out in Schedule 2, Part 3 Class Q.1(i) of the GPDO 2015 and is therefore not development permitted by the Order. The permitted development right to convert the agricultural building into a dwellinghouse does not apply.
13. As a result, the change of use of the building to a dwellinghouse cannot be addressed by the prior approval process. Parties discuss the merits of the proposal relating to prior approval. However, as I have concluded that the proposal is not permitted development for the purposes of the GPDO, it does not now fall on me to assess the prior approval criteria of the scheme as part of this appeal.
14. In all, I find that new structural elements would be required. As a result the development would not meet the requirements of Class Q of the GPDO 2015. As such the development would not be permitted development.

Conclusion

15. The proposal does not amount to permitted development under Class Q of the GPDO 2015. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R Walmsley

INSPECTOR