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## Appeal Decision

Site visit made on 1 April 2019

**by Andrew Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 May 2019**

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**Appeal Ref: APP/Q3305/W/19/3219758**

**Agricultural Barn, Highcroft Lane, Binegar, Radstock BA3 4TP**

- 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 T Gregory against the decision of Mendip District Council.
  - The application Ref 2018/2245/PAA, dated 5 September 2018, was refused by notice dated 2 November 2018.
  - The development proposed is described as 'conversion of existing barn to a two bed single storey dwelling, see supporting statement for full description and plans'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed change of use constitutes permitted development under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).

### Reasons

3. The appeal building comprises a relatively light-weight timber building that stands on a concrete slab. The walls of the building are clad in timber boarding and the roof covered in felt. The building appears to be in a good state of repair.
4. Two appeals for the change of use of the building to a dwelling house have been dismissed previously<sup>1</sup>. In the case of both of these previous decisions the Inspectors were not satisfied that the existing building was capable of conversion, due to the extensive works likely to be required to convert the building to a dwelling.
5. Planning Practice Guidance<sup>2</sup> states that internal works are not generally development. Works required for the building to function as a dwelling in the form of the insertion of internal insulation, walls to divide rooms and ceilings are not prohibited by Class Q. Furthermore, the GPDO quite clearly states that development consisting of the installation of windows and doors into a building to facilitate the change of use is acceptable.

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<sup>1</sup> APP/Q3305/W/17/3178317 and APP/Q3305/W/17/3183320

<sup>2</sup> Paragraph 105 Reference ID: 13-105-20180615

6. However, what is not clear from the evidence before me is whether the building's existing foundations are sufficient to take the additional load that will result from the conversion works. I note that this is a concern raised by the Council's Building Control team. The Structural Report dated 27<sup>th</sup> August 2018 by Vale Design Partnership Ltd makes it clear that excavations were not undertaken to expose buried sub-structural elements. The supplementary letter from Vale Design Partnership Ltd dated 13<sup>th</sup> December 2018 confirms that information relating to foundations is not known. Although this letter suggests that it is extremely unlikely that the additional loading will prove to be unacceptable, this is inconclusive. At my site visit I noticed that the footings of one corner of the building had been recently exposed. I note that this area was not exposed in the photo of the building on the front of the Structural Engineer's Report, and had this area been visible I would expect it to have been referred to by the Engineer.
7. Significant structural work necessary to facilitate the change of use such as underpinning is not mentioned within the GPDO as permitted. Therefore, without conclusive evidence to state that such work would not be required, I must conclude that the change of use falls outside of Class Q of the GPDO.
8. The appellant is concerned about the communication with the Council following its issuing of the most recent decision. In determining the appeal I can only have regard to the planning merits of the case, so am unable to give any weight to these particular concerns.

### **Conclusion**

9. For the reasons above, the appeal is dismissed.

*Andrew Tucker*

INSPECTOR