



Appeal Decision

Site visit made on 5 April 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/P2935/W/18/3219082

The Gin Gan, Whalton, Northumberland NE61 3YH

- 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 & Mrs Fenwick against the decision of Northumberland County Council.
 - The application Ref 18/03108/AGTRES, dated 31 August 2018, was refused by notice dated 26 November 2018.
 - The development proposed is: Prior Approval for a Proposed Change of Use of an Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Fenwick against Northumberland County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would be permitted development by reason of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), with regard to the extent of building operations proposed.

Reasons

4. The appeal site contains an agricultural barn which has been used to house livestock. In order to benefit from the permitted development right under Class Q of the above Order the Planning Practice Guidance¹ (the PPG) states the right assumes that the agricultural building is capable of functioning as a dwelling.
5. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior

¹ When is permission required? Paragraph: 105 Reference ID: 13-105-20180615

walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.

6. However, it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
7. For a building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.
8. It is a matter of planning judgement as to where the line is drawn between whether a proposal is a conversion or rebuild. In this case, works proposed fall within the list of building operations stated in paragraph Q.1(i) of the above Order in that they include the installation or replacement of windows, doors, roofs and exterior walls.
9. A structural engineer has stated the existing barn is structurally suitable for conversion into habitable accommodation but this view is subject to caveats including that wind bracing is needed in the roof and walls. Moreover, settlement of the building requires rectification and the main timbers of the portals require repair.
10. The evidence also indicates the roofing would be replaced and, as I saw on my site visit, significant parts of the external envelope of the building are open to the elements. Consequently, significant building works are required to the exterior. In addition a floor would need to be installed.
11. Whilst a building surveyor has said that the structure is 'capable of conversion' to a dwelling without any demolition, this is not the same as 'suitable for conversion' as set out in the PPG.
12. Taking all of the above points together, in my judgement, on the basis of the evidence before me, the extent of the works proposed in this case go beyond the scope of conversion and only a modest amount of help would be provided by the existing building. Therefore, due to the extent of building operations proposed, the development is not permitted by the above Order.
13. My attention has been drawn to other appeal decisions. But I have determined this case on the basis of the information provided and I am not satisfied the evidence and circumstances in the cases I have been referred to are the same as in this case, particularly with regard to the condition of the buildings in each case.

Other Matters

14. Representations have been received in support of the appeal scheme. Reasons for supporting the development include that it would have a positive effect on the character and appearance of the area, make a better use of land, support local services and not harm the living conditions of neighbouring residents.

However, my determination of this appeal may rest only on the criteria set out in the GPDO.

Conclusion

15. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR