
Appeal Decision

Site visit made on 24 June 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/J3720/W/19/3225376

Agricultural building, Land at Shuckburgh Road, Napton-on-the-Hill, Warwickshire

- 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 Tom Bostock against the decision of Stratford on Avon District Council.
 - The application Ref 18/02300/COUQ, dated 25 July 2018, was refused by notice dated 4 October 2018.
 - The development proposed is change of use of building to 1 no. dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed development would constitute permitted development in respect of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and, if it would, then whether prior approval of the transport and highways impacts of the development should be granted under Paragraph Q.2.

Reasons

3. The appeal site lies in open countryside beyond the eastern edge of the village of Napton-on-the-Hill. The building sits on the eastern edge of a large field that borders the A425 to the north. Access is gained via a rough track off the A425, which climbs up the slope to the building, about 150 metres from the road. Being at a higher level than the road, the building is quite a prominent feature in the local landscape. It is a simple, relatively modern, agricultural building comprising of a steel frame supporting a corrugated sheet roof. It is open to the front and rear but has some cladding to the upper parts of each gable end.
4. Class Q(a) of the GPDO permits development consisting of 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. 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.

5. There is no dispute between the main parties that the building was in agricultural use on 20 March 2013. Furthermore, the Council raises no concerns in respect of the proposal complying with criteria Q.1 (a)–(f), (h) and (j)–(m). The Council considers, however, that the development is not permitted by Class Q, because the requirements of Q.1(g) and (i) are not satisfied.

Paragraph Q.1(i)

6. Paragraph Q.1(i) states that development is not permitted by Class Q if the development, under Class Q(b), would consist of building operations other than (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i). The Council contend that the proposed works to the agricultural building would be excessive and would involve the substantial re-building of the existing structure.
7. The Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q¹. It clarifies that the permitted development right conveyed by Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations that are reasonably necessary to convert the building, but 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.
8. The appeal building is based around a steel frame of 8 columns, which support 3 steel roof frames. This main structure is supplemented by roof purlins, and by horizontal and diagonal bracing on the vertical elements. Apart from this structure, the building is entirely open from floor to roof on two sides. The top half of the end gables are clad in profiled metal sheeting, with timber boarding below. The boarding does not extend to ground level and there are significant gaps between the boards. The boarding only extends for half the width of the western gable, and the steel cladding is also less extensive on this end of the building, so that nearly half of this gable is unenclosed. None of the cladding on any of the elevations reaches the ground, so the only parts of the building that are attached to the floor are the 8 steel columns. The building is therefore not capable of functioning as a dwelling without very significant works.
9. The building works proposed to convert the existing building to a dwelling would include the following:
- retain the existing steel frames, purlins, wall cladding and floor slab;
 - remove the roof sheeting;
 - replace the roof finish with a lightweight insulated panel and suspended ceiling;
 - line the wall sheeting with insulation and an inner lining supported by the sheeting rails, closed to the floor; and
 - overlay the existing floor with a damp-proof membrane, insulation and screed.²

¹ PPG Paragraph 105 - Reference ID: 13-105-20180615, 15.06 2018

² Details taken from the appellant's Structural Report

10. The Structural Report submitted with the application includes calculations and provides an expert opinion that the proposed works could be carried out within the fabric of the existing building using the existing structural elements. This is not contested by the Council. However, there is no detailed specification of works to demonstrate how the full-length walls that would be necessary on the north and south elevations could be provided without any new structural elements. The north and west elevation walls would both contain 4-paned full-length glazed doors. It has not been demonstrated how the significant weight of these doors and their frames could be supported without additional structural elements within the steel frame, or through additional foundations. In any event, a demonstration of the load bearing capacity of the frame alone is insufficient to meet the requirement of Part Q.
11. The existing roof covering would be removed, leaving a skeletal steel frame with 2 partially clad gable ends. Although substantial works could fall under the scope of Class Q, the permitted development right does presuppose that the works comprise conversion. The building would not be capable of functioning as a dwelling without the construction of 2 entire exterior walls. The other 2 walls would also be completely new, save for the retention of a relatively small amount of exterior cladding. A new roof covering would also be necessary. Even with the retention of the steel frame and concrete floor, taken as a whole, the totality of the works would go beyond conversion and that which would be reasonably necessary for the buildings to function as a dwelling. The works would not therefore comply with the requirements of Paragraph Q.1(i), so the development would not be permitted under Class Q(b).

Paragraph Q.1(f)

12. Paragraph Q.1(f) states that development is not permitted if development under Class A(a) or Class B(a) of Part 6 of Schedule 2 of the GDO (relating to agricultural buildings and operations) has been carried out on the agricultural unit since 20 March 2013. It is not contested by the appellant that a concrete floor has been provided since this date. He explains that the floor was constructed to enable more efficient use of the agricultural building. The Council considers that the insertion of the floor means that the conversion of the building to a dwelling would not now be permissible under Part Q.
13. I saw that the concrete floor covered the entire footprint of the building, which is just over 100 square metres. The Structural Report advises that the floor is understood to be 150mm thick. This scale of operation undoubtedly falls within the definition of development under Section 55 of the Town and Country Planning Act 1990, which is "the carrying out of building, engineering, mining or other operations in, on, over or under land". However, Section 55 of the Act clarifies that "the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building" does not amount to development. The concrete floor is entirely within the footprint of the building; therefore, it only affects the interior of the building and does not amount to development. It was not therefore permitted by Class A(a) or Class B(a) of Part 6 of Schedule 2 of the GDO. Consequently, it does not contravene the requirements of Paragraph Q.1(f).
14. The requirements of Paragraph Q.1(f) do not therefore prevent the appeal proposals from being permitted development. However, this does not alter my conclusion that the works would not comply with the requirements of

Paragraph Q.1(i), so the development would still not be permitted under Class Q(b).

Transport and highways impacts

15. As I have concluded that the proposal is not permitted development by virtue of Class Q of the GPDO, it does not now fall on me to assess the transport and highways impacts of the development under Paragraph Q.2.

Conclusion

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

Nick Davies

INSPECTOR