



Appeal Decision

Site visit made on 18 June 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/E2530/W/19/3225819

Agricultural Building, Pepperidge Farm, Morkery Lane, Castle Bytham, South Witham NG33 4SW

- 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 W Sacker against the decision of South Kesteven District Council.
 - The application Ref S18/1952, dated 17 October 2018, was refused by notice dated 12 December 2018.
 - The development proposed is prior approval of proposed change of use of an agricultural building to a dwellinghouse (Use Class C3).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for change of use of an agricultural building to a two storey dwelling at Pepperidge Farm, Morkery Lane, Castle Bytham, South Witham NG33 4SW in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GPDO through application Ref S18/1952, dated 17 October 2018. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2 (3) of the GPDO and subject to the following additional condition:
 - (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 and Proposal Drawing No 200-03 Revision A.

Procedural Matter

2. The planning application form did not include a description of development, referring only to an accompanying statement. I have therefore taken the description from the appellant's appeal form which is similar to the description on the Council's decision notice.

Background and Main Issue

3. Schedule 2, Part 3, Class Q (a) and (b) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Use

Classes Order (UCO); and building operations reasonably necessary to convert the building to a use falling within Class C3 of the UCO.

4. Q.1(i) of the GPDO states it is also not permitted 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.
5. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwelling house (Use Class C3), having particular regard to the requirements under Class Q.1 (i).

Reasons

6. The appeal building is a modern steel frame and steel sheet clad agricultural building.
7. Paragraph 105 of the Planning Practice Guidance (PPG) sets out the building works permitted under Class Q to facilitate a change of use from an agricultural building to a residential use. It confirms 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. This includes amongst other things the installation of windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling house. The PPG also states internal works are not generally development and it may be appropriate to undertake internal structural works including the insertion of upper floors.
8. The proposed change of use would involve replacement of the existing lightweight sheet cladding with much more substantial wall and roof coverings. New openings would also be created and an entire new first floor would be installed. However, it does not automatically follow that the provision of such elements amount to rebuilding works for the purposes of assessment under Class Q.
9. In dismissing the previous appeal on this site, Ref APP/E2530/W/18/3216344, the Inspector referred to the extent of works proposed. However, it was the lack substantive evidence to demonstrate that the building was capable of accommodating the loading of the building works proposed without major new structural works which proved decisive. Without such evidence, the Inspector was not in a position to conclude that building works that went beyond those considered reasonably necessary for a conversion would not be required. I agree with the previous Inspector's assessment and therefore the acceptability of the current proposal is dependent on whether there is now convincing evidence for me to be able to conclude differently.
10. The Structural Report provided is based upon a visual assessment of the main structural elements, internally and externally. It confirms that the general condition of the steel frame remains good and the concrete slab appears level with no significant settlement issues or cracking. This confirms my own observations on site that the existing structure appeared to be of substantial construction and in sound condition. The report also confirms that the steel frame would be adequate to accommodate the increased loading of the

replacement walls and roof and the change of use could take place without requiring any structural alteration. New first floors would be supported on a new internal secondary support system without reliance on the existing columns and foundations.

11. I have given regard to the appeal decisions referred to by the Council which in turn refer to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin). In those cases, the buildings were open sided. In the case of the appeal before me the building is enclosed to all sides and is in good order, watertight and structurally sound as was also acknowledged by the Inspector dealing with the previous appeal on the site. These are characteristics which make the building capable of conversion. The proposed insulated cladding and roof would only replace the existing non insulated skin which in turn relies on the structural elements which are to remain. A rebuild would not rely on these structural elements.
12. Clearly the case involves matters of judgement. However, I have no contrary evidence before me to dispute the conclusions of the qualified structural engineers appointed by the appellant. On this basis, I am satisfied that the concrete floor and steel frame would provide an underlying structure which forms a fundamental part of the new dwelling. No new structural elements would be required to facilitate the changes to the external appearance of the building. I am satisfied that the building operations would be in line with those confirmed as appropriate in the PPG and would only be to the extent reasonably necessary for the building to function as a dwelling house.
13. The fact that the proposal is acceptable in terms of assessment against all remaining criteria under Class Q.1 is not disputed and I am also satisfied the proposal meets the appropriate qualifying criteria.

Other Matters

13. No evidence has been presented that the proposed development would result in any significant transport and highway, noise, contamination or flood risk issues nor that the location or siting of the building makes it otherwise impractical or undesirable for the building to change use. The Council's delegated report confirms compliance with these matters and from what I have seen I find no reason to conclude differently. The proposal would therefore be acceptable in terms of matters (a), (b), (c), (d) and (e) of Paragraph Q.2(1) of Part 3 of Schedule 2 of the GPDO. The proposed dwelling would successfully utilise the shape and form of the existing building and integrate suitable materials to provide a dwelling of acceptable design and external appearance. I am satisfied it does not raise issues that require further assessment and therefore the proposal also meets matter (f).

Conditions

14. Section W (13) of Part 3 of Schedule 2 of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
15. The Council has suggested a condition to confirm the approved drawings and I consider this would be reasonable and necessary in the interests of certainty.

Conclusion

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

M Russell

INSPECTOR