



Appeal Decision

Site visit made on 28 May 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/E3525/W/19/3223841

Barn at Chimney Street Farm, Chimney Street, Hundon, Suffolk CO10 8DX

- 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 John Harding against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/18/1787/P3QPA, dated 3 September 2018, was refused by notice dated 29 October 2018.
 - The development proposed is described as a 'Prior approval application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - (i) Change of use of agricultural building to dwellinghouse (Class C3) to create 1 no dwelling (ii) associated operational development'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No description of development is given within the application form, which simply makes reference to the planning statement which supported the application. However, both the Council's decision notice and the appeal form provide a matching description for the proposal. I have therefore used this in the heading above.
3. On 1 April 2019 St Edmundsbury Borough Council merged with Forest Heath District Council to become a single Authority known as West Suffolk Council. However, given that this appeal concerns the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) rather than the Council's development plan, this has had no bearing on my decision.
4. Since the application was submitted amendments have been made to GPDO¹. However, as I can identify no changes to the elements of Schedule 2, Part 3 Class Q (henceforth referred to as Class Q) which materially alter their bearing on the issues in this appeal, neither party has been prejudiced by my consideration of the revised GPDO.
5. There is no dispute that the current proposal meets the requirements of Paragraphs Q.1(a) to (h) or (j) to (m) of Class Q.

¹ 2019 No. 907

Main Issue

6. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

7. The appeal building is a utilitarian structure which is significantly longer than it is wide. It has corrugated metal walls fixed to timber rails. However, the full length of its long front elevation is completely open apart from several vertical timber support poles. The mono-pitch roof is clad with what appears to be fibre cement corrugated sheeting supported by timber purlins spanning between timber pole rafters. There is agreement that this building is within an agricultural use.
8. This proposal follows the refusal of two other prior approval applications at the appeal site² and seeks to convert the appeal building into a dwellinghouse under the provisions of Class Q of the GPDO. This Class 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 (dwellinghouses) and any building operations reasonably necessary to convert the building.
9. The appellant has submitted a structural report which shows that, whilst the barn is strong enough to be converted, it would require an upgrade to its 'envelope' to meet current regulations. The roof cladding would be replaced with composite panels of a similar weight. In addition, the existing walls would be replaced with timber framed infill panels. These would be insulated and lined internally with plasterboard and would be clad externally with timber boarding which incorporates a breather membrane. The appellant states that this would act as additional bracing to the structure. Furthermore, a new and substantial wall would need to be added to the front of the building for all of its length.
10. Taking all of the above into account, it seems to me that the identified requirements and additions would amount to new structural elements to the building. Such works are specifically excluded by the Planning Practice Guidance, which states that it is not the intention of the permitted development rights to include the construction of new structural elements for the building.
11. The drawings show that the full length of the front elevation of the proposal would be punctuated by large areas of glazing. There would also be substantial areas of glazing which would occupy almost the entire depth of both north and south side elevations. Most of the windows would have a strong vertical emphasis. These features would be very different in form and appearance from any that currently characterise this utilitarian agricultural barn.
12. The overarching provisions of Class Q within the GPDO state that for the change of use to be permitted development the building operations must be reasonably necessary to 'convert' the building. If the works go beyond what would amount to a 'conversion', then the development would fail at the first hurdle. The exceptions set out in Q.1(i) allow for the installation or replacement of windows, doors, roofs or external walls, but this is subject to those 'reasonably necessary for the building to function as a dwellinghouse'.

² Applications Ref DC/14/1714/PMBPA and DC/15/0787/PMBPA

13. Taken in isolation, some of the individual elements of the appeal proposal could be considered to be acceptable. However, when all the changes required in this case are considered cumulatively, their extent would amount to a significant change to the structure and appearance of the building. Very little of the original building would remain other than its main wooden frame. It seems to me that these fundamental alterations would go well beyond what could reasonably be described as a 'conversion' and would amount to a 're-build'.

Conclusion

14. The proposal would exceed the overarching requirements of Paragraph Q (b) and would not meet the requirements of Paragraph Q.1(i) of the GPDO. The issue of conditions, as set out in Paragraph Q.2(1), is therefore not relevant to the determination of the appeal.
15. For the reasons set out above, I conclude that the proposal would not be permitted development under the provisions of Class Q and that the appeal should be dismissed.

M Heron

INSPECTOR