



Appeal Decision

Site visit made on 29 May 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/E2530/W/19/3224194

The Barns, Irnham Road, Ingoldsby, Grantham, Lincolnshire NG33 4JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Article 3(1) and 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 Mrs Penny Littleworth against the decision of South Kesteven District Council.
 - The application Ref: S18/1340, dated 12 July 2018, was refused by notice dated 7 September 2018.
 - The development proposed is the notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development in the banner heading above is taken from the appeal form, as it is more precise than that shown on the application form.

Main Issues

3. The main issues are
 - a) whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), and
 - b) if so, the effect on noise and highway safety.

Reasons

4. The appeal building is a single-storey agricultural storage building, set within a yard, close to a larger storage barn. The agricultural building is used for storing machinery, materials and straw. The proposal is for change of use of the agricultural building to a dwellinghouse with associated operational works.
5. Schedule 2, Part 3, Class Q of the GPDO sets out that development consisting of (a) 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), or

- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building, is permitted development, subject to the prior approval by the local planning authority on specific matters. Under Class Q(b), the Council is concerned with the extent of the works required to enable the building to function as a dwellinghouse.
6. Paragraph 105¹ of the Planning Practice Guidance (PPG) states that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. Subsequently, there are limitations on the building operations permitted under Class Q. The GPDO paragraph Q.1(i) sets out that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development right also includes partial demolition to the extent reasonably necessary to carry out such building operations.
 7. The PPG adds that 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.
 8. In terms of what is 'reasonably necessary' for conversion, the *Hibbitt* judgement² establishes that magnitude of proposed building works is key. To be permitted under Class Q, building operations would, amongst other things, need to be of a magnitude to fall within the scope of a 'conversion', rather than exceed that concept and amount to a 'fresh build'. Moreover, the *Hibbitt* judgement establishes that 'if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1'.
 9. The appellant's Structural Engineers Report (SER) indicates that the agricultural building is in good structural condition, albeit that a full detailed analysis has not been undertaken. I have no substantive reasons to dispute this. However, this alone is not sufficient to meet the requirements of Class Q.
 10. The other appeal decisions cited by the appellant, which consider building structure, are noted. However, it is necessary to consider the totality of proposed building works, including but not confined to structural capability, for the reasons described above.
 11. The agricultural building has a steel frame. It has a corrugated roof which is identified by the SER as asbestos cement sheet. The agricultural building's floor is concrete and the external ground surfacing is partly concrete, much of which is cracked, and partly earth and crushed aggregate. The front of the agricultural building is open, without a wall. The rear and most of the sides of the agricultural building are partly enclosed by vertical concrete panels at lower level. The gables are infilled with asbestos sheeting. I saw that less than around a third of the combined area of the side, front and rear of the agricultural building, below eaves level, is enclosed, with the rest open. It has no doors or windows. As such, the agricultural building is a metal-framed

¹ Reference ID 13-105-20180615.

² *Hibbitt and another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council* [2016] EWHC 2853 (Admin).

storage structure with corrugated roof, the walls of which are mainly open. Therefore, it is substantially unenclosed, and, in my judgement, a significant way off being a full-bodied building.

12. I note the appellant considers that a wealth of pre-existing features are already in place to facilitate the use of the agricultural building as a dwelling. I recognise that the proposal would utilise the agricultural building's existing steel frame, foundations and water and electricity connections. However, new elements would include timber-clad walls, windows and doors, and a tile-effect zinc roof to replace the old roof. As such, in totality, the exterior fabric of the resultant building would be substantially new.
13. In the light of this, the agricultural building would not be able to function as a dwellinghouse in the absence of the works detailed above, which are required to alter its original purpose. Having regard to all the above, as a matter of fact and degree, and planning judgement, I conclude that the required works would be of such magnitude to amount to a 'fresh build' and not a conversion. Therefore, the proposed works would extend beyond building operations reasonably necessary to convert the building to residential use under Class Q. As such, they would not constitute permitted development as set out in Class Q(b).

Noise and highway safety

14. I have found that the proposal would not constitute permitted development, for the reasons described above. Accordingly, it is not necessary for me to consider matters relating to noise and highway safety, or whether or not prior approval would be required, as it would not alter the outcome of the appeal.

Conclusion

15. For the reasons given above, I conclude that the proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO and, consequently, the appeal should be dismissed.

William Cooper

INSPECTOR