
Appeal Decision

Site visit made on 29 July 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Appeal Ref: APP/H1840/W/19/3229422

Upper Haselor Barn, Haselor Lane, Hinton on the Green, Evesham WR11 2QZ

- 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 and Mrs Richard Mumford against the decision of Wychavon District Council.
 - The application Ref 19/00304/GPDQ, dated 8 January 2019, was refused by notice dated 3 April 2019.
 - The development proposed is the change of use of steel barn to 3 bedroom dwelling house with internal floor area of 176 square metres. Existing roof and cladding to be removed and replaced with vertical larch boarding and blue slate roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal relates to Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO). Class Q (a) 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 Class C3 use (dwellinghouse). This provision also includes, at (b) any building operations reasonably necessary to convert the building.
3. Planning Practice Guidance (PPG) advises that the schedule grants planning permission, subject to the prior approval requirements under paragraph Q.2(1). There is no dispute between parties that the proposal meets the conditions of Schedule 2, Part 3, Class Q, paragraphs Q.2.(1) (a) to (f) of the GDPO. However, the contention is whether the proposal is permitted development and proposes works that are reasonably necessary. Permitted works, as set out by paragraph Q.1 (i), enable the creation of windows, doors, roofs or external walls (aa) and water, drainage, electricity, gas or other services (bb). The Council was unable to fully assess the effect of the proposal and refused the application based on insufficient information under Part 3, section W (3) of the GPDO, with particular regard to the floor and foundations.

Main Issue

4. Consequently, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. The site, the subject of this appeal, is within an agricultural holding. The barn, proposed for conversion, is located on the eastern boundary of a field and used for the keeping of sheep. The building is a steel portal frame construction with corrugated sheeting covering its walls and roof. It has a large opening to its west elevation and a high-level opening to its north elevation. The floor is compacted clay and gradually slopes down from the western side.
6. The proposed building operations would include the removal of all wall and roof cladding. The frame would then be re-clad with larch boarding and have a tile roof applied. The proposal includes the laying of a new beam and block floor with underfloor heating. There is no mention of how the building would be insulated. The appellant has investigated the existing foundations and provided evidence that the steel frame rests on concrete piles. The appellant's Engineer's Report has found that the steel frame and its foundations would be capable of accommodating the proposal¹. However, there is limited evidence to support this conclusion and is without the benefit of structural calculations.
7. Paragraph 105 of the Planning Practice Guidance states that the Class Q right assumes that the agricultural building is capable of conversion to a dwelling. It is therefore not the intention of Class Q to allow rebuilding work which would go beyond 'reasonably necessary'. The question of whether a proposal would be a conversion or rebuild is central to whether the barn is capable of conversion. Furthermore, a rebuild would not necessarily follow total demolition, it is instead a test of substance and planning judgement. In this case the barn would be demolished to such an extent that it would only retain a skeletal and minimalist structure. Moreover, the works needed to alter the use of the building would be of such a magnitude that it would amount to a rebuild.
8. Accordingly, the stripping back of the barn to its frame and the extent of building operation required to create a dwelling would not be a conversion. Even if the existing steel frame and associated foundations are adequate, substantial structural work would be required to attach the larch panelling to the stanchions and the tiles to the roof trusses. There is little evidence before me to indicate that the proposed walls and roof between the stanchions would not require to be supported by new foundations or structural cross beams. Although the quantity of works themselves are not determinative, the works proposed would be so extensive they assist in my conclusion that they go well beyond the normal understanding of conversion. The proposal would consequently include a significant level of new construction with very little of the original building being retained. Subsequently, the proposal would be a rebuild and would therefore not qualify under Class Q as a barn conversion.

Conclusion

9. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

¹ Griffiths Mumford email 23 April 2019