



Appeal Decision

Site visit made on 15 July 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 15 August 2019

Appeal Ref: APP/G2245/W/19/3225822

Small Hay Store, Haven Manor, Haven Hill, Hodsoll Street, Sevenoaks, Kent, TN15 7LL

- 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 (GPDO).
 - The appeal is made by Mr C Scott against the decision of Sevenoaks District Council.
 - The application Ref SE/18/02864/PAC, dated 11 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as conversion of small hay store building is sited to the north of Haven Manor and adjacent to the larger hay store. Details of the design, external appearance, siting and location are set out on the accompanying drawings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal the appellant submitted an amended plan in relation to the curtilage of the building which is the subject of this appeal, in response to evidence submitted by the Council. The appellant stated that it would not be prejudicial to either party if it was accepted or could be dealt with by a condition. However, if I were to accept the amended plan, the red line shown on the plan is significantly different and essentially would not be the basis on which the Council made its decision. I therefore have not accepted the amended plan and my appeal decision is based on the same scheme that was before the Council.
3. The appeal relates to the conversion of a former pig pen, but more recently also used as a hay store, to a residential dwelling. The Council's main concern is that the extent of the works required to convert the agricultural building to a residential dwelling go beyond what is permitted in paragraphs Q.(a) and Q.1(i). and these form the basis of my considerations.

Main Issue

4. The main issue is whether the proposal would be permitted development under Q (a) and Q.1(i) under Schedule 2, Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

Curtilage

5. Class Q (a) of the GPDO permits a change of use within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling house) of the Use Classes Order.
6. For Class Q, 'curtilage' is defined in Schedule 2, Part 3, paragraph X of the GPDO as meaning (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
7. The application plans submitted¹ indicate a red line showing the curtilage going well beyond the aforementioned definition and extends as far as the edge of Haven Manor which is some distance away and, thus, fails to satisfy its provisions. On that basis the proposal would not be compliant with the permitted development condition Q(a) set out in the GPDO.

Building operations

8. Class Q(b) the GPDO permits building operations that are reasonably necessary to convert the dwelling to a class C3 use.
9. Class Q.1 (i) of the GPDO places restrictions on the building operations which can be undertaken. It states that development is not permitted if it 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 dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out building operations.
10. Paragraph 105² of the Planning Practice Guidance provides further guidance and states that Class Q assumes that the agricultural building is capable of functioning as a dwelling. 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.
11. I have had regard to the structural report³ and schedule of works⁴ submitted as evidence by the appellant and based on my own site visit observations, it is clear that the works required to facilitate the conversion of the building to a residential dwelling are extensive. The structural report indicates that two of the walls would need to be re-built and the roof structure is insufficiently strong to carry the present lightweight roof, so would not be able to support the new roof. Further, I note that there was insufficient data available to make an objective comment on the foundations. The extent of these works would go well beyond what is considered reasonably necessary. Whilst I acknowledge that what constitutes such works is a matter of judgement, the existing structure is not capable of being converted to a residential use

¹ Drawing 2131/10 – Site Plan and Block Plans – Proposed dwelling one

² Planning Practice Guidance Paragraph 105 ref: ID: 13-105-20180615

³ Report No 1676/01 Report on Suitability of the Structures of a Hay Barn, Pig Pens and Timber Store for conversion into domestic accommodation

⁴ Schedule of Works Conversion of Agricultural Buildings to Dwellings November 2018 Rev A Job No 2131

without involving works which are well beyond the scope of works permitted Class Q.1(i).

12. On that basis, the extent of the work required would go beyond what is reasonably necessary and would not be wholly compliant with Class Q.1(i) permitted development rights of the GPDO.

Other Matters

13. With regard to the other approvals and appeal decisions that I have been referred to, these have a limited bearing on my decision, as they do not concern the appeal site and the determination for prior approval appeals rests on the specific facts of the proposal and the criteria set out in the GPDO
14. As I have found the proposal falls outside of permitted development, there is also no requirement for me to make a determination of the prior approval matters, including those related to contamination, where I have been referred to a report.

Conclusions

15. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR