



Appeal Decision

Site visit made on 10 June 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/C1435/W/18/3217914

Sloe Field Cottage Barn, Chilver Bridge Road, Arlington, Polegate, East Sussex BN26 6SB

- 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) Order 2015.
 - The appeal is made by Mrs D A Williams against the decision of Wealden District Council.
 - The application Ref WD/2018/1531/P04, dated 12 July 2018, was refused by notice dated 30 August 2018.
 - The development proposed is change of use of existing agricultural building to one dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed change of use would constitute permitted development in accordance with Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), having particular regard to the building operations proposed.

Reasons

3. Class Q of the GPDO allows development involving (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 (dwellinghouse); and (b) building operations that are reasonably necessary to convert the building to a Class 3 use. The National Planning Practice Guidance (PPG) provides further advice on the interpretation of the permitted development right.
4. The existing barn is a steel portal framed structure with 4 frames positioned at 5m intervals. The frames are of mild and welded joints with construction manufactured in standard sections and connected by steel bolts. They are fixed to and stood on concrete pad foundations. There is also a small lean-to/addition at the front. The barn has a mono-pitched single-skin corrugated profile metal roof. The walls are constructed of the same single-skin material. On this basis the barn is a free standing and self-supporting structure.

5. Paragraph Q.1 of the GPDO sets out that development under Class Q will not be permitted if, amongst other things, 'the development 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 for the building to function as a dwellinghouse and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)'.
6. As established within the PPG¹, building works are allowed under the right permitting agricultural buildings to change to residential use, but the right assumes that the agricultural building is capable of functioning as a dwelling. Building operations can include those that would affect the external appearance of the building; though it is not the intention to allow rebuilding work that would be go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, only when the existing building is already suitable for conversion to residential use would it be considered to have the permitted development right.
7. The proposal envisages that the existing metal cladding be removed and a framework be installed between the portal frames to enclose the resultant open elevations and provide weathering. A supplementary benefit is that it would provide bracing for the existing portal frames. The external fabric would be in the form of a standing seam membrane roof and natural cedar cladding albeit these would be insulated behind. A number of powder-coated aluminium doors and windows are also proposed.
8. Whilst I am satisfied that the existing barn is structurally sound in itself for an agricultural use, the issue as to whether the scheme would amount to rebuilding work involves matters of judgement. Whilst the appellants Structural Suitability for Conversion (the appraisal) provides some details as to the works required, there are no technical drawings or load calculations provided in relation to the proposed elevations and roof and only limited evidence concerning the details for foundations.
9. The barn is a light-weight structure of rudimentary design. As a consequence of the proposed building fabric being built largely independently of the existing steel frame, it introduces reasonable doubt in my mind as to whether the existing frame would otherwise be strong enough to take the loading associated with external works reasonably necessary to provide for residential use. Having regard to the Hibbitt case², the proposed works would, in my view, exceed what could reasonably be described as conversion and would comprise substantial rebuilding in the form of new structural elements, that would have a degree of load bearing function, as well as foundations for the structure. Furthermore, even though the construction of an internal floor may not be prohibited by Class Q, it is an indication that the existing building is not already suitable for conversion to a residential use, particularly as this would then support the proposed infill wall construction as set out in the submitted structural report.
10. It is therefore my view that the barn is not capable of functioning as a dwelling and so is not suitable, in accordance with the terms expressed under Class Q of the GPDO, for conversion to a residential use. In order to make the structure

¹ Paragraph: 105 Reference ID: 13-105-20180615

² Hibbitt v SSCLG and Rushcliffe BC [2016]

capable of use as a dwelling, extensive buildings operations are required to for it to become a habitable building.

11. For the above reasons, I conclude that the proposal would not comply with one of the limitations and restrictions specified as being applicable to the proposed development. As such, it could not benefit from deemed permission under Class Q of the GPDO, having particular regard to the building operations proposed.

Other Matters

12. Photographs of the barn provided in the appraisal show it as being open fronted as well as partially open on one side elevation. This is consistent with the elevations submitted of the existing barn to the Council. It also appeared to have an earth floor. During my site visit I could see that these open elevations had been enclosed by timber cladding and a concrete slab had been poured to provide a floor throughout the barn. The appellant contends that planning permission is not required for these works. In any event, these works do not change my findings above.
13. I am also required to assess whether the proposal would comply with any other conditions, restrictions or limitations applicable to development under Class Q. The evidence sets out that the building was last used for agriculture and the proposal would create one residential unit, which falls within the threshold of Class Q. Furthermore, there has been no other relevant development, and the floor area of the building to be converted and the size of the curtilage identified meets the appropriate tests. On the basis of the evidence before me, I find no reason to disagree with the Council's assessment of these matters.
14. Whilst reference to a decision for a similar scheme in the District has been brought to my attention, I do not have the full details to establish whether comparable building works were required. Accordingly, this does not affect my findings in relation to the main issue in this appeal.
15. I have taken account of the other comments made by the Council and the appellant, particularly in respect of the dwellings intended occupant and benefits. However, these do not raise issues pursuant to the GPDO and therefore the main issue in this appeal.

Conclusion

16. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Paul T Hocking

INSPECTOR