



Appeal Decision

Site visit made on 30 August 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/P1615/W/19/3226682

Barn, Windcross Farm, Roam Road, Dymock, Gloucestershire GL18 2AN

- 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 (as amended).
 - The appeal is made by Mr M Bennion against the decision of Forest of Dean District Council.
 - The application Ref P1702/18/PQ3PA, dated 17 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is change of use of agricultural barn to 1 dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal follows a previously dismissed appeal for an identical proposal¹. The submission seeks to address the previous decision and follows revisions to the Planning Practice Guidance (PPG) in relation to permitted development rights for the change of use from an agricultural building to a residential use.

Main Issue

3. The main issue is 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 2015 GPDO).

Reasons

4. Class Q (a) of the 2015 GPDO 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 use as a dwellinghouse. Class Q (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
5. The PPG states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and which would otherwise require planning permission. The PPG clarifies that it is not the intention of the permitted development right to allow rebuilding

¹ APP/P1615/W/17/3175287

- work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Consequently, 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.
6. The existing barn is a large structure with a rectangular footprint and barrelled roof. The north east facing elevation of the building is open and the rest of the building is clad in a single skin corrugated metal cladding material. The cladding to the rear elevation is in poor condition with sections coming away from the main frame of the building. The end elevations have similar examples of tired cladding but generally appear to be in better condition.
 7. The evidence before me suggests that the frame of the building is sound and that the first floor helps to stiffen the building. This is endorsed by the Council's Building Control team and based on the evidence before me, and my observations on site, I have no reason to disagree. However, the proposed conversion would include the provision of entirely new walls and fenestration for each of the elevations as well as a new roof. In addition, albeit internal, a new ground floor slab is also proposed.
 8. Due to the condition of the walls and roof, in essence, all that would remain of the pre-existing structure once building work was complete, would be its frame and the relatively recently installed first floor. Consequently, due to the extensive and significant work that would be necessary to provide a building suitable for residential use, its resultant built form would be more akin to a rebuild rather than a conversion. In my view therefore, the agricultural building is not capable of functioning as a dwelling without rebuilding work which would go beyond what is 'reasonably necessary'.
 9. The previous appeal decision appears to concern itself primarily with the structural condition of the building, as well as its ability to withstand the additional load that the conversion would provide. On this point, the structural calculations that supplement the proposal, as well as their endorsement from the Council's Building Control team, weigh in favour of the appeal. Furthermore, due to the time that has lapsed between the installation of the first floor and the date that the original application was submitted to the Council, I am satisfied that the installation of the floor does not constitute the commencement of development. Moreover, I note that a previous Inspector did not find conflict with the 2015 GPDO in relation to this point.
 10. Reference has been made to the *Hibbitt v SSCLG* [2016] EWHC 2853² case, in which it was held that a building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Whilst it was also held that the extent of the works was not in itself conclusive and that in many permitted developments the work might be extensive, this matter was one, amongst other, relevant considerations, that could assist in forming a judgment on whether the works were part of a conversion or were, instead, part of a rebuild or fresh build.
 11. Having had regard to this decision, for the reasons identified above, I am satisfied that the works proposed would exceed that which could reasonably be

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

described as conversion and would be so extensive as to amount to substantial re-building of the existing structure. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the 2015 GPDO.

12. Accordingly, the appeal is dismissed.

Martin Chandler

INSPECTOR