



Appeal Decision

Site visit made on 16 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2019

Appeal Ref: APP/J3720/W/19/3232442

**Barn at Manor Farm, Firtree Barn Lane, Warmington, Banbury, Oxfordshire
OX17 1JL**

- 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 Kevin Brookes against the decision of Stratford on Avon District Council.
 - The application Ref 19/00352/COUQ, dated 7 February 2019, was refused by notice dated 28 March 2019.
 - The development proposed is change of use of existing detached barn to a dwelling house with associated operational development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal on the application form included superfluous text. I have therefore used the more concise description given on the Council's decision notice and the appellant's appeal form.

Background and Main Issue

3. Schedule 2, Part 3, Class Q (a) and (b) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 of the Use Classes Order (UCO); and building operations reasonably necessary to convert the building to a use falling within Class C3 of the UCO.
4. Q.1(i) of the GPDO states it is also not permitted if the development under Class Q (b) 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 dwellinghouse.
5. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwelling house (Use Class C3), having particular regard to the requirements under Class Q.1 (i).

Reasons

6. The appeal building is a steel framed former grain store with facing materials including corrugated fibre cement sheeting to the roof and wall cladding including some parts in corrugated sheeting and others tarpaulin over timber boarding. The side elevations also include part open sided sections. The building has a concrete floor.
7. Paragraph 105 of the Planning Practice Guidance (PPG) sets out the building works permitted under Class Q to facilitate a change of use from an agricultural building to a residential use. It confirms the right assumes that the agricultural building is capable of functioning as a dwelling and permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building. This includes amongst other things the installation of windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling house. The PPG also confirms that internal works are not generally development and that it may be appropriate to undertake internal structural works, including to allow for the insertion of a mezzanine or upper floor.
8. The works proposed to facilitate the change of use include removing the roof and wall cladding currently in place and installation of metal standing seam roof sheeting, vertical timber boarding to the walls, provision of windows and doors and the insertion of a first floor. These are all building operations that fall under the scope of Class Q.1 (i) provided that they are to the extent reasonably necessary to convert the building to a dwellinghouse.
9. A professional structural report has been provided confirming that the steel frame has the capacity to carry the proposed loading of the new roof and walls. The report also confirms that, whilst it is not clear whether additional loadbearing walls or columns are intended, their calculations show this would not be necessary for a first floor to be installed.
10. My attention has been drawn to a High Court decision¹ (the HC decision). In that particular case, the conclusion of the HC decision was that the Inspector had not erred in their judgement that the building operations required went well beyond what could reasonably be described as a conversion. The HC decision determined that it is a matter of legitimate planning judgement as to where the line is drawn between conversion and a rebuild.
11. The proposal before me has some similarities to the appeal decision that went before the High Court. Namely, there is a structural report confirming the load bearing capacity of the existing frame is capable of supporting the proposed works and the building presently includes open elements. However, I do accept that from the evidence before me the building subject of the HC decision was larger and the extent to which it had open sides was greater than is the case for the proposal before me.
12. Nevertheless, there are still substantial open sections on two opposing sides of the building. Part of one of the side elevations is also only enclosed by way of tarpaulin over timber boarding which is of a more temporary and lightweight nature and appearance. The current building is therefore not watertight and does not display the characteristics of a building capable of functioning as a

¹ Hibbitt, and Another v Secretary of State for Communities and Local Government, and Rushcliffe Borough Council [2016] EWHC 2853 (Admin) (9 November 2016)

dwelling. Notwithstanding that the steel frame would remain as the main structural element of the building, the totality of the proposed works to replace existing cladding to the roof and walls and to provide new walls where none currently exist would go well beyond what could reasonably be described as a conversion.

13. The appellant contends that the function of cladding as a non-structural component of this type of building should preclude the works from the definition of rebuilding. However, this runs contrary to the findings of the HC decision that also related to a proposal largely consisting of the provision of new cladding but confirmed that there is a legitimate planning judgement to be made.
14. My attention has been drawn to several Council and appeal decisions relating to proposals for barn conversions and I note the comparisons made. The appellant suggests that the Council has not been consistent in its decision making. All sites and schemes differ to some extent and must be determined on their own individual merits as I have done in this case with reference to the relevant caselaw. The extent of open sided sections and composition of materials on two sides of the appeal building leads me to conclude in this particular instance that overall the appeal building does not have the clear-cut characteristics of a building capable of conversion to a dwellinghouse.
15. I acknowledge the appellant's contention that if the function of the building was to be retained as an agricultural building and the existing cladding were to be replaced, that might be defined as refurbishment or repair in that instance. However, that is not the appropriate test when considering whether building operations would be reasonably necessary to convert the building under Class Q.
16. I therefore conclude that the building operations necessary to create a dwelling from the structure would not fall within the scope of that permissible under Class Q.

Other matter

17. I note that the appellant has requested an assessment as to whether the proposed vehicular access point against Schedule 2 Part 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, given this falls outside the scope of the appeal and I have concluded that the proposal does not meet the requirements of the GPDO I need not consider this matter any further.
18. The intention to incorporate green heating technologies is not a matter which overrides the requirements under Class Q and does not alter my conclusion.

Conclusion

19. For the reasons given, the proposal would not constitute permitted development under Class Q and the appeal is dismissed.

M Russell

INSPECTOR