
Appeal Decision

Site visit made on 16 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/B3410/W/19/3232597

Barn, Barton Gate, Barton under Needwood, Burton on Trent, Staffordshire DE13 8AH

- 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 Mr R Brassington against the decision of East Staffordshire Borough Council.
 - The application Ref P/2018/01355, dated 10 October 2018, was refused by notice dated 9 January 2019.
 - The development proposed is the conversion of existing agricultural building to form a single dwelling. Including creation of residential curtilage, including parking space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed change of use constitutes permitted development pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), having regard to the extent of the works proposed.

Reasons

3. The GPDO states at paragraph Class Q that permitted development is development consisting of (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(dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3(dwellinghouses) of that Schedule.
4. Subparagraph Q.1 (i)(i) states that development under Class Q(b) is not permitted if it would consist of building operations other than the installation of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
5. Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a

floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. However, the works that are undertaken must not exceed works necessary to convert the building, as opposed to it being a fresh build, as set out in *Hibbitt v SSCLG and Rushcliffe BC* [2016]¹, as referred to me by the appellant.

6. The proposed works would include the construction of a new front elevation and floor and new openings would be created. The existing steel frame, timber purlins, metal sheet walls and cementitious sheet roof would be retained. New internal walls would be constructed. The Council states that blockwork would be used within the existing outer corrugated sheeting. The appellant disputes this, stating that the existing exterior wall would remain and an internal wall would be constructed. Despite this clear disagreement, it is clear that an inner leaf to the existing exterior walls would be required to meet the necessary insulation requirements. However, I consider that such works are necessary for the building to function as a dwelling and is common in many such conversion schemes, including buildings constructed of other materials, such as brick.
7. Furthermore, the Council states that the roof would likely be replaced. However, the appellant clearly identifies that the existing roof would remain although roof lights would be inserted into it. Therefore, I have determined the appeal on the basis that the existing roof would be retained.
8. Based on the proposed works, I am satisfied that they amount to building operations which are reasonably necessary to convert the building so that it is capable of functioning as a dwelling.
9. Notwithstanding the above, whilst there is no dispute between the parties that the existing building is structurally sound, the structural report carried out by 100 Nine Design Limited, dated 26 April 2018 does not take account of the proposed scheme. Its recommendations are ambiguous as it is not clear whether or not the existing 'structural frame constructions' or timber purlins are sufficient to accommodate the proposed works and may need to be amended. The PPG clarifies that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is structurally strong enough to take the loading which comes with the proposed works to provide the residential use that the building would be considered to have the permitted development right. In the absence of any conclusive evidence that the existing building is structurally strong enough to accommodate the proposed works without the need for new structural elements, I am not satisfied that works that would go beyond what is reasonably necessary for the conversion of the building to residential use would not be required.
10. Based on the above, I am not satisfied that the proposed works would not go beyond building operations reasonably necessary to convert the building as set out in Q (b) and Q.1(i) and as such would not be development permitted under Schedule 2, Part 3, Class Q of the GPDO.

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

11. Given my conclusion above there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

Conclusion

12. For the reasons set out above, and having had regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR