



Appeal Decision

Site visit made on 24 September 2019

by Beverley Wilders BA (Hons) PgDurt MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/Q4625/W/19/3232840

Pole Barn, Bullock Yard, Lower Farm, Spencers Lane, Berkswell, Coventry CV7 7BB

- 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 & Mrs R Cooper against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/00680/PNCUDW, dated 5 March 2019, was refused by notice dated 26 April 2019.
 - The development proposed is described as "the proposal involves the change of use of the pole barn into a single storey dwelling. The shallow, pyramid form of the roof, with slightly raised central portion, will remain unaltered, with a mixture of brick walls, cladding and glazing. Sited some 300m NE of the original farmhouse, it is adjacent to and served by the former South Drive from South Lodge to the Moat House".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), having particular regard to whether the existing building is lawful.

Reasons

3. Article 3 (5) of the GPDO states, amongst other things, that the permission granted by Schedule 2 does not apply if in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful.
4. It seems that there has been an agricultural building on the site for some considerable time and that since 2011 it has been the subject of various applications to re-develop/convert it to a dwelling, all of which have either been withdrawn or refused. The Council refers to the fact that supporting documents submitted in 2011 described the building as being "a derelict and redundant structure" being "in an advanced state of dilapidation and has long since ceased to be used for its intended purpose as it is now in an advanced

state of dereliction, particularly the roof". It states that its aerial photography records from 2013 corroborate this.

5. The appellants do not dispute that the building was described as such but state that the description used by a previous agent was misleading and instead refer to the findings of a structural report dated October 2014 and to Mr Cooper's statutory declaration dated 4 July 2019 which sets out the history of the building and what works have been carried out to it. The appellants consider that the works were works of repair and renovation and that they did not require approval under the GPDO.
6. In reaching my decision I have had regard to the findings of the structural report and in particular to the assessment that the inner square of the building appeared to be stable whereas the outer zone was in a state of collapse with failure of the corner posts, snapped roof beams and evidence of decay to some posts. I have also had regard to the various photographs of the building provided by both main parties.
7. At my site visit I noted that all of the outer timber posts of the building have been replaced by metal posts and that these are connected by new timbers which also form part of a new roof structure over the outer part of the building. It appears that the original inner square of the building has not been wholly replaced or that the size and general form of the building has changed. However, having regard to the structural nature and amount of work that appears to have taken place to the building as a whole and to the proportion of it that remains original, I am not convinced that the works carried out in 2017 fell within the scope of repair and maintenance and did not constitute development. Consequently, as no approval was sought or granted for the works, it does not appear, based on the submitted evidence, that the existing building is lawful. It does not therefore benefit from the permitted development rights set out within Schedule 2 of the GPDO meaning that the proposal cannot be permitted development.
8. As I have concluded that the existing building does not appear to be lawful, there is no need for me to consider the proposal having regard to the particular conditions and limitations of Class Q as my findings would not alter the outcome of the appeal.

Conclusion

9. For the above reasons and having regard to all matters raised, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

Beverley Wilders

INSPECTOR