
Appeal Decision

Site visit made on 22 October 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/K2610/W/19/3234200

Hollygate Farm, Haveringland Road, Felthorpe, Norfolk NR10 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 Robert Jefferies against the decision of Broadland District Council.
 - The application Ref 20190565, dated 3 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is change of use of 2no. agricultural buildings to 3no. dwellings.
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Decision

1. The appeal is dismissed

Procedural Matters

2. I have taken the description of development from both the Council's decision notice and the appeal form, as it is both clear and accurate and a description is not stated on the application form. For the avoidance of doubt, the application made includes details of both the change of use of the building and the building operations necessary to convert the building. It therefore falls under Class Q(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. Paragraph Q.1 of the GPDO sets out various requirements that, if not met, result in development not being permitted by Class Q. The Council consider that, with respect to each building under consideration, the proposal fails to comply with requirements related to the extent of building operations (Q.1(i)) and to the external dimensions of the building (Q.1(h)). From the evidence before me, the main parties to this appeal do not dispute that the proposal meets all other requirements as set out under paragraph Q.1. I am considering the appeal on this basis.

5. Criterion Q.1(i)(i) sets out that permitted building operations are restricted to the installation or replacement of windows, doors, roofs or exterior walls (as well as various service provisions) to the extent reasonably necessary for the building to function as a dwellinghouse. As set out in the Planning Practice Guidance, it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of a building to residential use. It is only where an existing building is already suitable for conversion to residential use should it be considered to have the permitted development right.
6. A High Court ruling involving Hibbitt¹ has been referred to by the main parties. Whilst the full details of the ruling are not before me, it is my understanding that it was found that the particular scheme in question, which involved the rebuilding of all four exterior walls of a building, amounted to new-build construction rather than conversion. Indeed, if the proposed operations here would amount to new-build construction they would exceed building operations reasonably necessary for a building to function as a dwellinghouse and would not represent permitted development under Class Q. For the avoidance of doubt, I must consider the proposal before me on its own individual merits.
7. With respect to each of the agricultural buildings under consideration elements of demolition relating to the removal of various lean-to structures are proposed. A main central steel portal frame would thus be retained in each case. A Structural Condition Report (February 2019) has been carried out that suggests that the principal structural elements of each building are in adequate condition. Indeed, from my own internal inspections, the steel portal frames and supported roof structures that are in place appear to be in principally sound condition. However, it is also important to consider what would comprise the exterior walls of each building under consideration.
8. I note that various internal low-level blockwork walls are in place inside both buildings that provide separate enclosures for livestock. With respect to the larger of the two buildings (Barn B), the position and alignment of the various internal walls do not correlate with where the newly exposed north-eastern and south-western sides of the building would be positioned once existing lean-to elements are removed. Thus, based on the building's current configuration, both external side walls in these locations would necessarily need to be constructed from ground level up between the various structural columns that are in place.
9. To both the north-western and south-eastern ends of Barn B, elements of low-level blockwork are in place that I understand are intended to be retained. Nonetheless, all four external walls would need to be either constructed or rebuilt to a substantial degree. The extent of such building operations, particularly noting the extent of new walling required to the longest sides of the building, would amount to new-build construction and beyond works reasonably necessary for Barn B to function as a dwellinghouse.
10. In terms of the smaller building (Barn A), it is also the case that the demolition of lean-to structures would leave the north-eastern and south-western sides of the building's main central frame exposed. Internally, numerous short extents of low-level blockwork are routinely positioned alongside each of Barn A's supporting steel columns, but these would not provide continuous or

¹ Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council

substantive enclosure to the building if located to the building's edge. It is also the case that Barn A, where to be retained, is of open design to both of its north-western and south-eastern ends. I find that, due to the extent of new exterior walling required, the building operations required amount to new-build construction and do not constitute works reasonably necessary for Barn A to function as a dwellinghouse.

11. Under Criterion Q.1(h), development is not permitted if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. In this instance, in the limited number of positions where existing blockwork walls would be retained to form external walls, new timber cladding is proposed to be externally affixed. Criterion Q.1(i)(i) allows for various building operations that would constitute alterations rather than enlargements to a building and that in themselves could inadvertently lead to very minor increases in the external dimensions of specific elements or areas of a building. In this context, I consider that it is reasonable and appropriate to conclude that, in the specific circumstances of this case, the proposal meets the requirements of Q.1(h).
12. However, due to the proposal involving building operations over and above the extent reasonably necessary for each building to function as a dwellinghouse or, in the case of Barn B, two dwellinghouses, the scheme before me does not represent permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

13. The provisions of paragraph Q.2 of the GPDO require the proposed development to be assessed based on several different matters, including its transport and highway impacts, its noise impacts, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use and the design or external appearance of the building. This is however only necessary where development is permitted, which is not the case here. It is not therefore necessary for me here to consider the merits of the proposal based on these matters.

Conclusion

14. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR