The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/Y3940/W/19/3232818
Barn A, Ballickacre Farm, Cricklade, Wiltshire SN6 6HZ

- 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 Paul Telford against the decision of Wiltshire Council.
- The application Ref 19/04127/PNCOU, dated 26 April 2019, was refused by notice dated 20 June 2019.
- The development proposed is "The purpose of this application is to request the local planning authority's consideration of a proposal to renovate part of Barn A at the above location as previously permitted for a larger scale conversion by 16-05752-PNCOU dated 15/08/2016".

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Wiltshire Council against the appellant. This application is subject to a separate decision.

Procedural matters

3. The application form has no date, I have therefore used the application date given on the appeal form.

4. This appeal relates to Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q (a) 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 Class C3 use (dwellinghouse). This provision also includes at (b) any building operations reasonably necessary to convert the building.

5. Planning Practice Guidance (PPG) advises that the schedule grants planning permission, subject to the prior approval requirements under paragraph Q.2(1). This requires the applicant to make an application for a determination as to whether the prior approval of the authority is required before the commencement of development. There is no dispute between parties that the proposal meets the conditions of Schedule 2, Part 3, Class Q, paragraphs Q.2.(1) (a) to (f) of the GPDO. However, the contention is whether the proposal is permitted development and proposes works that are reasonably necessary.

6. Measurements were undertaken by main parties on site and submitted in evidence. I am satisfied that the layout plan, reference 37608-004, correctly shows that the footprint of the 2016 approval was broadly similar to the footprint of the current proposal.

7. Prior Approval[1] was given under Class Q of the GPDO to convert part of barn A into a dwelling in 2016. However, there is disagreement between parties as to which end of the barn gained consent to be converted. The Council consider that the approved prior approval relates to the east end of the barn. The appellant considers the proposed works related to the west end and work was commenced on this understanding in September 2018.

8. The Council states that the approved east end of the barn was shown on the site location plan 1:2500 submitted with the 2016 application. The appellant considers that the correct end was the west end as shown on the sales details referred to as annex L of the appellant's final comments. Furthermore, the appellant identifies that annex J (1:100 block plan) and K (proposed elevations and plan) show 'ghost' spurs projecting from the retained part of block A towards the east. On site I took particular note of the location of barn C as this provides a fixed point in relation to the location of barn A. This illustrates a clear difference of location between the 2016 block plan and annex L. The further plans, shown at annex J and K, show what I consider to be minor drafting errors, but the 1:100 block plan is clear.

9. Therefore, despite some apparent drafting errors in the 2016 plans, I find that the sales details incorrectly show the western end of Barn A being retained. As such the 2016 approval referred to the east end and this appears to have lapsed unimplemented. Furthermore, the east end of the barn has now been demolished.

Main Issues

10. Consequently, the main issue is whether the proposal would comply with the conditions, limitations and restrictions applicable to permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

11. The appeal site includes a range of farm buildings. Two existing barns have been converted to dwellings. Barn A is a steel portal frame building to the south of the main buildings. This barn has been subject to extensive demolition and the east end has been fully removed. The extent of the original barn is now only evident by its concrete floor. The retained west end of the structure consists of 3 pairs of stanchions, three roof beams and includes a gable end that is partially clad with metal sheeting. Half of the retained roof has fibre cement sheeting and the structure is tied together with cross beams and support struts. New roof purlins have been applied that create half of the retained roof form. The retained part of the barn is exposed, being open sided and only limited elements of the original barn have therefore been retained.

12. The proposed works include the erection of Cotswold stone walls, timber cladding on the upper walls and the replacement of the fibre cement corrugated roof with a standing seam roof covering system. The proposal would

[1] Planning Application Reference: 16/05752/PNCOU

also require the enclosure of the new gable end, on the east elevation, with matching materials[2].

13. However, the work already undertaken to the barn amounts to material development. The retained west part of the barn has been partially demolished with most wall and roof coverings removed. Furthermore, work has been undertaken to the roof. Also, the east end of the original barn has been demolished. Moreover, the proposed works cannot be severed from the works already taken place.

14. As such, the Permitted Development right has been exceeded by existing work and therefore cannot be considered within the conditions and limitations of the GPDO. Consequently, the conversion would be partially retrospective and would not be permitted development by virtue of Class Q.

15. Matters in regard to the competence of the Structural Survey[3] are therefore of no relevance to the case.

16. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

[2] Email from Mr Telford 29 May 2019
[3] Ballick Acre Farm, Structural Survey – 3 May 2019