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## Appeal Decision

Site visit made on 4 October 2019

**by K Ford MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 November 2019**

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**Appeal Ref: APP/C3430/W/19/3233927**

**Roost Farm, Ebstree Road, Seisdon, Wolverhampton, South Staffordshire WV5 7ES**

- 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 Matthew Baker against the decision of South Staffordshire Council.
  - The application Ref 18/00839/AGRRES, dated 9 October 2018, was refused by notice dated 23 May 2019.
  - The development proposed is agricultural building to a dwelling house.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The appeal site comprises a pitched roof barn constructed of corrugated metal sheeting. Immediately adjacent but separate to the building are wooden stables. Three residential properties are located close by, one of which, Windrush Cottage, is a Grade II Listed building.
3. Class Q(a) of the GPDO permits development consisting of a change of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) and under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
4. The permitted development right is subject to a number of limitations set out in Paragraph Q.1. There is no dispute between the main parties that the building was in agricultural use on 20 March 2013. The Council has raised no issue with regards to the proposal complying with criteria Q.1 (a)-(f), (h) and (j)-(m). However, the Council considers that the proposed development is not permitted by Class Q because the requirements of Q.1(g) and (i) are not satisfied.
5. If the proposal accords with Paragraph Q.1. it is necessary to consider Paragraph Q.2.(1) which lists conditions under which the developer must apply to the local planning authority for a determination as to whether prior approval will be required regarding the impact of the development on: (a) transport and highways; (b) noise; (c) contamination; (d) flooding risks; (e) whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse; and (f) the design

or external appearance of the building. The Council refused prior approval in respect of matters (e) and (f).

6. The main issues are therefore:

- Whether or not the proposal is permitted development and, if so,
- Whether prior approval should be given having regard to whether the proposed location or siting of the building would make it impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and the impact of the design or external appearance of the building.

## Reasons

7. Under the provisions of Paragraph Q.1(i)(i) permitted development is restricted to 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 dwelling. Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations that would affect the external appearance should be permitted. It also says that internal works are not generally development and that it may be appropriate to undertake 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.
8. The PPG clarifies that the permitted development right conveyed by Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations that are reasonably necessary to convert the building but 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. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
9. The proposed scheme includes replacement of the corrugated sheet roof with insulated tile effect roof sheeting, timber cladding to replace all the corrugated sheet walls along with the insertion of doors and windows and insulation. The development would not extend the footprint of the building or change its shape. The proposed works identified can be considered reasonably necessary for the building to function as a dwellinghouse. As such, the proposal would comply with the provisions of Paragraph Q.1 (i)(i) of the GPDO.
10. However, under the provisions of Paragraph Q.1(g) development is not permitted where 'development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings) has been carried out on the established agricultural unit (i) since 20 March 2013'. Class A(a) and Class B(a) of Part 6 of Schedule 2 refer to works for the erection, extension or alteration of a building.
11. The appellant has identified that in 2016 alterations to the building were undertaken to make it fit for agricultural purposes. This included; additional and replacement steel members, new stanchions and new concrete raft foundations, new concrete floor slab, steel beams to support a mezzanine floor and concrete block perimeter and internal partition/ supporting walls with lintels.

12. The Council is of the view that the works undertaken in 2016 formed part of the conversion. As such they consider that the works go beyond what can be considered reasonably necessary for the building to function as a dwelling house and that the scheme contravenes the provisions of Class Q2(1) which identifies that prior approval cannot be granted where a development has begun. However, even if the appellant were to demonstrate that the works in 2016 were not integral to the conversion and were not works falling within the definition of development under Section 55 of the Town and Country Planning Act 1990 because they were internal and not visible from the outside, it remains the case that, in my judgement, the building was altered which precludes the scheme from being permitted development under Class Q. As a result, the proposal would consequently contravene the requirements of Paragraph Q.1(g) and would not be permitted under Class Q.
13. The proposed scheme includes the demolition of the adjacent stables. Under the provisions of Paragraph Q.1(i)(ii) permitted development is restricted to partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i). The Council say the demolition of the adjacent wooden stables, with a floorspace of some 140sqm would constitute more than partial demolition. However, the adjacent stables are separate from the appeal building and do not form part of the appeal site, falling outside of the red line on the site plan. On this basis I am of the view that in respect of the demolition of the stables the proposal would comply with the requirements of Paragraph Q.1(i)(ii).
14. That said the demolition or otherwise of the stables does not impact on my reasoning for the conclusion that the agricultural building has been altered since 2013, irrespective of the absence of any enforcement action taken by the Council at the time. As such the scheme is not permitted development but one for which an application for planning permission is required.

## **Conclusion**

15. As I have concluded that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required, including the impact on the setting of the adjacent Listed Building, as, in these circumstances, it would not alter the outcome of the appeal.
16. For the reasons given, I conclude that the appeal should be dismissed.

*K Ford*

INSPECTOR