



Appeal Decision

Site visit made on 16 September 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 07 November 2019

Appeal Ref: APP/Z3825/W/19/3231644

Waves Farm, Kerves Lane, Horsham, West Sussex RH13 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Trevor Holden against the decision of Horsham District Council.
 - The application Ref DC/18/2007, dated 19 September 2018, was refused by notice dated 25 January 2019.
 - The development proposed is change of use of existing agricultural building to two no. dwellings (Use Class C3) and associated operational development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Trevor Holden against Horsham District Council. This application is the subject of a separate Decision.

Procedural Matter

3. No description of development is given within the application form. However, the form makes reference to the planning statement which supported the application. I have therefore used the heading from that document in this decision.

Main Issues

4. The main issues are:
 - whether or not the proposal would constitute permitted development having regard to the requirements of paragraph Q.1(a) and Q(b) of Class Q under Part 3 of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 (GPDO); and
 - if so, whether or not prior approval is required with regard to matters (a) to (f) of paragraph Q.2 (1).

Reasons

Whether Permitted Development

5. The appeal site is a timber storage building within a wider land holding. This wider land holding has permission for mixed use of agricultural and equestrian

- uses¹. Class Q of the GDPO allows for the change of use of buildings to residential, subject to a number of conditions, providing that the *"site is solely used for an agricultural use as part of an established agricultural unit"*.
6. Although there is no dispute that the appeal site has been used for solely agricultural purposes, the Council considers that Class Q does not apply as the wider land holding does not represent an 'established agricultural unit' as required within the GDPO given the mixed use permission.
 7. The appellant contends that the GDPO wording 'solely' is only used for the site, allowing some flexibility in the agricultural unit definition, that the mixed use permitted contains a predominately agricultural basis and that the established agricultural unit does not necessarily have to align with the holding. The appellant also draws my attention to the permissions granted by the Council for an agricultural workers dwelling on site, which includes the condition, amongst others, that its occupant must be employed (or last employed) in agriculture, as a further example that the site is considered agricultural.
 8. Whilst the land holding has permission for a mixed use, this includes equestrian use into an already agricultural land use and I do not have the full information as to whether this was segregated, with uses and operations identified, or whether it related to the whole site. However, there is no dispute that the building itself was 'solely' agricultural use, with the building operating as a self-contained operation rearing Quail, independent of other uses on site. This could be considered an agricultural unit in itself as part of the overall wider land holding.
 9. In such circumstances, given the agreement over the solely agricultural use of the building and the self-contained nature of the agricultural operation within the building, I would take the pragmatic approach of concluding that the building in this case would represent a *site which was solely used for an agricultural use as part of an established agricultural unit*.
 10. The Council also contends that the works go beyond what is reasonably necessary for the building to function as a dwelling. The overarching provisions of Class Q within the GPDO state that for the change of use to be permitted development the building operations must be reasonably necessary to 'convert' the building. If the works go beyond what would amount to a 'conversion', then the development would fail to be permitted development.
 11. The building is a single storey timber storage building with low pitched roof of corrugated cement fibre sheeting. The appellant has provided two structural surveys, one with the planning application which notes the requirement for substantial foundation improvement works, the existence of small purlins and a basic construction, the requirement for replacement roofing with lightweight systems and necessary removal of existing cladding. Overall, though, it concludes that the proposed conversions are feasible. The second, with the appeal, is more positive concluding that the wall sections are more than adequate to carry the required loadings of any conversion and that the roof structure can be effectively tied in fully. However, it does note the requirement of an upgrade of the floor slab, including extending down by nearly 0.5 of a metre to ensure frost protection.

¹ Council Ref DC/10/0110

12. The building is a timber storage building. The surveys identify between them that the walls require work and potential replacement, the roof requires replacement, necessarily by a lightweight material given the performance of the structure on which it sits, and substantial floor slab improvements. Whilst the conclusions note that the fabric of the building can be suitably enhanced and, taken in isolation, some of the individual elements of the appeal proposal could be considered to be acceptable, taken together I consider these works to represent greater levels than would be considered reasonably necessary for conversion.
13. I recognise that the appellant considers that all agricultural buildings are built with the intention of keeping livestock and machinery and will require adaption to facilitate the residential use permitted by Class Q, and that the exceptions set out in Q.1(i) allow for the installation or replacement of windows, doors, roofs or external walls. However, this is subject to those works 'reasonably necessary for the building to function as a dwellinghouse' and for the reasons given I consider that based on the information before me, the cumulative changes would amount to a significant change to the structure and go beyond what could reasonably be described as a conversion.
14. Whilst internal works are not generally development, and the Planning Practice Guidance allows for structural works including to allow for a floor or mezzanine or upper floors, this to my mind is for increased loading of additional floors. The identification that internal walls will provide "dramatically improved" lateral stability overall for the existing single storey structure reinforces my view that the works are not conversion works as envisaged by the GDPO. I recognise that stability is considered a by-product of internal walls, which can be reasonably necessary for conversion, but I am not satisfied that it is reasonably necessary for these walls to be designed in such a way as to act to improve the structural performance of the building.
15. I recognise that the Council accepted internal structural works as part of another prior approval² however I do not have all the detail that led to this conclusion, or the scale and construction of that building. I note that the appellant contends that the Council's Building Control Officer did not visit the building and that reference was made to earlier planning guidance on structural elements. However, my decision is based on the evidence produced, my site visit and whilst some evidence is presented on the structural focus of the building, this does have parallels to whether the works constitute conversion. These matters therefore do not change my decision.
16. I therefore consider that whilst the proposal would not constitute permitted development having regard to the requirements of Class Q of the GDPO.

Prior Approval

17. The Council included reasons for refusal relating to lack of information to ensure that the proposal would not be subject to issues of contamination or noise from the surrounding uses. However, in its final statement in the appeal process it suggested that these issues could be addressed by conditions should the proposal be considered acceptable overall. Given the site circumstances, distance to other uses and lack of direct evidence of likely contamination, I concur that such measures could be addressed by condition.

² Council Ref DC/18/2601

Conclusion

18. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR