



Appeal Decision

Site visit made on 24 October 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 15 November 2019

Appeal Ref: APP/J1915/W/19/3235164

Barn on Standon Road, Little Hadham SG11 2DF

- 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 Susie Gordon against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0787/ARPN, dated 8 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is concrete portal frame barn with corrugated sheeting to be converted into three dwellings (change of use from agricultural to C3 residential).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the address on the appeal form and decision notice, I have used the address from the application form in the interests of certainty.

Main Issue

3. From the evidence before me, the main issue is whether or not the proposed change of use would be permitted development having regard to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than— (i) 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 dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
6. Paragraph 105 of the Planning Practice Guidance (PPG) provides further guidance. It states that 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.

7. The existing building is an agricultural barn that is open on all sides and consists of large concrete portal frames and corrugated roof with the columns founded on foundation pads. The proposal would include the erection of external walls, doors and windows which are permitted under the provisions of Class Q. However, given the skeletal nature of the existing building, and as confirmed in the letter from HLS Structural Engineers Limited dated 11 April 2018, these works would require new strip foundations between the existing columns to support the new external walls and proposed mezzanine floor.
8. As a matter of fact, the insertion of a floor is not included in the list of building operations within Paragraph Q.1(i). Even if it were, I consider that the insertion of a first floor is not reasonably necessary (in the sense of being essential) for the building to function as a dwellinghouse.
9. Therefore, while I note that the proposal would not involve substantial demolition works, given the significant works required to alter the use to a dwelling, the proposed works would go substantially further than that which could be described as a conversion. In addition, while I note the approval of development at Whitehill Farm, each case must be determined on its individual merits and this has not altered my overall decision.
10. With regard to the first reason for refusal, curtilage in this context is defined within the GDPO as an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. Since the curtilage indicated on the drawings was larger than the land area occupied by the building, this part of the provision was not satisfied and this was accepted by the appellant. While the appellant made reference to revised drawings that indicate a smaller curtilage in their statement, such a revised drawing is not before me. The appellant has referred to other appeal decisions where the Inspectors considered the use of a condition to require a more restricted curtilage to overcome this issue. Even if I were to have regard to such a drawing or consider the use of a condition relating to the size of curtilage, given my finding on the extent of work required to alter the use to a dwelling, these would not alter my overall decision.
11. Consequently, for the foregoing reasons, the proposed change of use would not be permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

12. I note the evidence regarding highway safety, traffic and parking as well as noise, contamination, flood risk, location and design of the building. However, since the development would not constitute permitted development for the reasons given above, these matters have not altered my overall decision.

Conclusion

13. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR