
Appeal Decision

Site visit made on 3 December 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/R4408/W/19/3237120

Barn, Land at Hornthwaite Hill Road/ Cross Lane Junction, Thurlstone, Sheffield S36 9QL

- 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 (as amended).
 - The appeal is made by Mr Steven Jones against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0743, dated 13 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is change of use of agricultural barn to dwellinghouse (Prior Notification).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the application form is 'recladding in stone from agricultural sheeting. AG sheeting to roof. On site access through existing gate with crushed stone forecourt and stone paved amenity area to entrance.' However, in the interests of clarity I have adopted the description from the decision notice in the banner heading above.
3. The appeal scheme is a change of use of an agricultural building to a dwelling house (Class Use C3). Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) permits development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order¹, and Q(b) building operations reasonably necessary to convert the building.
4. The application form is dated 20 February 2019. However, this is the date that an earlier refused application (ref 2019/0274) was submitted to the Council. While the same application form was subsequently submitted in support of the application subject of this appeal, the appellant has given the date of the application as 13 June 2019. I have therefore used the date of the application given by the appellant in the banner heading above.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

Main Issue

5. The main issue is whether the proposal would be permitted development, with regard to whether the requirements of Schedule 2, Part 3, Class Q of the GPDO would be met.

Reasons

6. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
7. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. In this respect, building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission, would be permitted. However, the PPG is clear 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. It is only where the existing building is already suitable for conversion that the building would be considered to have the permitted development right.
8. In this case, the agricultural building is a modern structure with green clad walls and roof and a masonry base. With the exception of a roller shutter door and pedestrian entrance at one end, there are no other openings in the elevations. The building is in a prominent and elevated location in a field in the countryside overlooking Thurlstone and Millhouse Green. It is near to the junction of Hornthwaite Hill Road and Cross Lane, which are rural roads with scattered dwellings and farmsteads and there is an active stone quarry nearby.
9. The proposal is for new stone walls and a replacement roof. The existing opening in the end of the building would be re-used and additional window and door openings would be created in other elevations.
10. No information in the form of a structural survey has been provided. However, evidence submitted with the appeal indicates that the new walls would be required to support the necessary timber work for the roof structural changes. On this basis, the proposal includes structural elements, the addition of which would fall outside of the alterations permitted by Class Q(b) and paragraph Q.1(i) having regard to the PPG. Furthermore, it has not been demonstrated that the masonry base would be adequate to support the additional weight of the new walls and roof and the internal works to create a residential dwelling.
11. In order to benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must involve only building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b) and paragraph Q.1(i). The evidence before me does not demonstrate that the building is suitable for conversion or that the required works would be limited to building operations reasonably necessary to convert

the building, so as to be permitted development under Class Q. In reaching this conclusion, I have had regard to the High Court Judgement in the case of *Hibbitt v SSCLG* [2016] EWHC 2853 (Admin).

12. Therefore, I have found that the proposed works necessary to convert the building would fall outside of those permitted under Class Q(b) of the GPDO. As I have concluded that the proposal does not benefit from the permitted development right, it is not necessary for me to consider whether the proposal would meet the requirements of Class Q(a) with particular reference to the curtilage of the building. Similarly, it is not necessary for me to consider whether the proposal would meet the conditions in Paragraph Q.2 in relation to the location or siting of the building or its design or appearance.

Other Matters

13. The appeal site is in the Green Belt. However, planning policy relating to Green Belts in the National Planning Policy Framework is not relevant to consideration under Class Q of the GPDO.

Conclusion

14. For the reasons given above and based on the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and it cannot be addressed through prior approval provisions set out under paragraph Q.2(1) of the GPDO.
15. The appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR