
Appeal Decision

Site visit made on 27 November 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/R1845/W/19/3234909

**Fruit Farm Barn, Barrow Hill Lane, Bournes Green, Kidderminster
DY10 4PA**

- 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 Miss and Mr Elizabeth and Nicholas Willetts against the decision of Wyre Forest District Council.
 - The application Ref 19/3017/PNRES, dated 21 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is described as 'change of use of one agricultural building to a larger dwelling house and associated operational development under the Town and Country Planning (GPDO) England Order 2015 (as amended)'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of one agricultural building to a larger dwelling house and associated operational development at Fruit Farm Barn, Barrow Hill Lane, Bournes Green, Kidderminster DY10 4PA, in accordance with the terms of the application Ref: 19/3017/PNRES, dated 21 March 2019, and the plans submitted with it. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: FFB/02 Rev A, FFB/03 Rev B, FFB/04 Rev A, FFB/05.
 - 2) Before the commencement of works to the building, details of all wall finishing, roofing and fenestration materials for the dwelling, in terms of their type, colour and texture, along with hard-surfacing materials and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The materials and boundary treatments shall be applied in the construction of the development in accordance with the approved details.

Procedural Matters and Background

2. I have taken the description of development from the appeal form as the description contained in the Notification for Prior Approval form was incomplete. However, I have omitted part of the description which did not relate to the development proposed. This is reflected in my decision above.
3. The appellants names are taken from the appeal form as they have taken on the role of executor from the deceased person named on the Notification for Prior Approval form.
4. The Planning Practice Guidance (PPG) advises that the starting point for Class Q of the GPDO is that the permitted development rights are a grant of planning permission, subject to the prior approval requirements. Therefore, it is necessary in the first instance to determine whether the proposal falls within the scope of permitted development.
5. Class Q of the GPDO states that 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, is permitted development.
6. Where development is proposed under Class Q(a) together with Class Q(b), and found to be permitted development, it is subject to the condition under paragraph Q.2(1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location or siting, and (f) the design or external appearance of the building.
7. The Council contends that the information they have been provided with is inadequate in order for them to be satisfied that the appeal building is of sufficient structural soundness to support the works proposed, thus it has not been satisfactorily demonstrated that the works required to convert the building to a dwelling would be 'reasonably necessary', as additional works may be required to facilitate the conversion. The Council also contends that the cumulative total of the building works proposed would extend beyond the envelope of the existing building, thus the works would fail to comply with the limitations set out in paragraph Q.1(h) of the GPDO. Finally, the Council considers that the proposed design and external appearance would be unacceptable, contrary to paragraph Q.2(f) of the GPDO.

Main Issues

8. Having regard to the above, the main issues are:
 - Whether the proposal would be permitted development, having regard to whether the requirements of Schedule 2, Part 3, Class Q paragraph Q.1(h) of the GPDO would be met; and,
 - Whether the extent of the building operations proposed would be reasonably necessary to convert the building to a dwelling, having regard to the requirements of the GPDO.

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

- If permitted development under Class Q(a) and (b), whether or not prior approval is required and the proposal would be acceptable in relation to the design and external appearance of the building.

Reasons

Permitted development

9. There is no dispute between the main parties that the appeal site is occupied by an agricultural building and was solely in agricultural use as part of an established agricultural unit on, or before 20 March 2013, without any intervening non-agricultural uses having taken place in between, in accordance with Q.1(a) of the GPDO.
10. The appeal site is occupied by a steel portal framed building. The walls of the building are partially made up of blockwork which extend up from the ground level, above which steel cladding is attached to the portal frame making up the remainder of the walls. The roof consists of corrugated sheeting. The proposal would involve the conversion of the building, and an area of land which surrounds it, for use as a single dwelling with associated external amenity space.
11. Despite the Council's assertion to the contrary, the submitted drawings, along with the evidence submitted by the appellants, demonstrates that the eaves height of the building would not be altered by the proposal, nor would the roof or walls of the building extend beyond the existing building limits. There is nothing else apparent on the submitted drawings or in the evidence before me to suggest that the building would extend beyond the envelope of the original building. Therefore, I am satisfied that, despite the changes proposed in order to enclose the building, the completed building would not project beyond the envelope of the existing building, in compliance with paragraph Q.1(h) of the GPDO.

Building operations

12. The PPG 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. Therefore, 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'.
13. In this regard, the Council questions the suitability of the steel frame, floor and foundations of the existing building to accommodate the additional loads arising from the cladding, roofing, windows and door openings, which are proposed as part of the conversion. However, the appellants' structural report and rebuttal to the Council's evidence clarifies that the internal walls and floor was in good condition at the time of the survey. Furthermore, there was no evidence on my site visit to suggest that the building was dilapidated or significantly neglected. Far from it. The walls, roof and concrete floor appeared robust and on the face of it, the building did not appear 'lightweight', and had no obvious signs of defects.
14. In light of the structural evidence before me submitted by the appellants, which has been prepared by an independent Registered Valuer, I have seen nothing in the Council's evidence of sufficient pertinence to question the veracity of the appellants reports and conclusions concerning the overall structural integrity of

the steel frame, the floor and the foundations supporting the existing building, and the overall conclusion that the building would be sufficiently robust to support the cladding and other works necessary to create a new dwelling.

15. Therefore, I conclude that the building is structurally sound and capable of conversion and the proposed works would not amount to a substantial re-building, to the extent that they would be reasonably necessary for the building to function as a dwellinghouse, in compliance with Q.1(i) of the GPDO.
16. The Council considers that the totality of the other works proposed would be reasonably necessary. I also agree that the extent of the works proposed, including the replacement of the existing building cladding and roofing, would not amount to a substantial re-building.

Design and external appearance

17. Paragraph Q.2(1)(f) of the GPDO requires consideration to be given to the design or external appearance of the proposed dwelling. The existing building comprises a relatively modern, large rectangular building, clad in steel with corrugated roof sheeting. It is a prominent free standing building, with a utilitarian appearance and not one which is of particular note in terms of its appearance or the contribution it makes to the character and appearance of the area.
18. The proposed works would significantly alter the appearance of the building. However, the extensive areas of wooden cladding which would be placed around the building and above the existing blockwork would give it a rustic appearance, in keeping with its location in the countryside. I appreciate that a significant number of additional window and door openings are proposed, which would give the building an overtly domestic appearance. However, in this case I find that the replacement cladding would be an improvement over the existing building fabric, and this would offset the less subtle nature of the fenestration pattern proposed.
19. Even though the appeal site is relatively open and there would be obtainable views of the dwelling from the track and footpaths close to it, the dwelling would be positioned away from the nearest roads, including Barrow Hill Lane, which would reduce obtainable views of it from the nearest roads. In any event, any increase in the prominence of the building arising from the domestication of the appeal site would be countered by the improvements to its external appearance through the use of traditional cladding materials. Furthermore, there are a variety of building types in the area, including those with a traditional design and appearance, along with larger, more modern agricultural type buildings. Consequently, the visual impact of the changes proposed to the appeal building and land which immediately surrounds it would not be out of character with their surroundings. The development would not be unacceptably prominent in the landscape or harmful to the character and appearance of the area.
20. Therefore, and having regard to the design and appearance of the existing building, I conclude that the development would be acceptable in terms of its design and external appearance. It would comply with paragraph 127 of the National Planning Policy Framework which requires, amongst other matters, that developments are visually attractive as a result of good architecture and are sympathetic to local character and history.

Other Matters

21. Paragraphs Q.2(1)(a-e) require that a range of prior approval matters are considered in deciding whether or not to grant permission. There is no dispute between the main parties that the proposal is acceptable when assessed against transport and highways impacts, noise impacts, contamination, flooding, or location and siting, and based on the evidence before me and my site visit, I have no reason to take a contrary view.

Conditions

22. The Council have not suggested any conditions in this case. However, I find it necessary to attach a condition specifying the approved drawings to ensure precision, along with a condition relating to materials to safeguard the visual appearance of the area. I have considered these conditions and find they meet the '6 tests' set out in the PPG.

Conclusion

23. For the reasons given, I conclude the appeal should be allowed.

Matthew Woodward

INSPECTOR