
Appeal Decision

Site visit made on 17 December 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/B3410/W/19/3231681

Agricultural Buildings, Madeley Park Farm, Long Close, Hollington, Staffordshire ST10 4HJ

- 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 and Mrs Bloor against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00413, dated 3 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is prior approval for the conversion of an agricultural building to form a dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for prior approval for the conversion of an agricultural building to form a dwelling at Agricultural Buildings, Madeley Park Farm, Long Close, Hollington, Staffordshire ST10 4HJ in accordance with the terms of the application Ref P/2019/00413, dated 3 April 2019, and the plans submitted with it, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr and Mrs Bloor against East Staffordshire Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the development proposed as set out on the appellants' application form is unclear. The Council's decision notice describes the proposal as follows: '*Prior Approval for the conversion of an agricultural building to form a dwelling*'. I have used this description in the above heading as it more accurately reflects the development for which prior approval is sought and I shall determine the appeal on this basis.

Background Information

4. Schedule 2, Part 3, Class Q of the GPDO sets out that development is classed as permitted development if it consists of: (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 to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3(dwellinghouses) of that Schedule. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and, subject to compliance with Conditions, as set out under paragraph Q.2.

5. In this case, having regard to the Council's submissions it has raised issue in relation to exclusions in paragraph Q.1(i) of the GPDO. The Council has not raised any matters in respect of the Conditions in paragraph Q.2. of the GPDO and I have no reason to take a different approach.
6. Paragraph Q.1 (i) of the GPDO states that development under Class Q(b) 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.

Main Issue

7. Against that background, the main issue is whether the proposed change of use constitutes permitted development pursuant to Schedule 2, Part 3, Class Q of the GPDO, with regard to whether the proposed building operations are reasonably necessary for the building to function as a dwellinghouse.

Reasons

8. As established within the Planning Practice Guidance¹, building works are allowed under the right permitting agricultural buildings to change to residential use, but the right assumes that the agricultural building is capable of functioning as a dwelling. Building operations can include those that would affect the external appearance of the building; though it is not the intention to allow rebuilding work that would be go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, only when the existing building is already suitable for conversion to residential use would it be considered to have the permitted development right.
9. The agricultural building proposed to be converted comprises two distinct sections. The southern part is a steel portal frame barn with a combination of stonework, blockwork and steel cladding to its elevations, with the exception of the north-east elevation which is formed of four galvanised steel doors. The northern section of the agricultural building is single storey and constructed from blockwork. The entire agricultural building sits on a concrete base with a fibre cement sheeting roof.
10. The submitted structural assessment² confirms that the agricultural building is capable of being converted into a single dwelling, with no need for wholesale demolitions or reconstruction works. To facilitate the change of use the existing substructure of the building is largely to be retained along with its floor, walls and roof. The extent of the proposed works includes internally insulating the

¹ Paragraph: 105 Reference ID: 13-105-20180615

² Structural Inspection of Barn and Pigsty at Madeley Park Farm Hollington

retained walls and roofing, along with some internal partitions. Externally, the building is to incorporate some cladding along with new doors and windows.

11. In relation to the north-east elevation of the barn, the two outer galvanised steel doors are to be retained fixed in their positions, and the central void created by the removal of the other two galvanised steel doors is to be in-filled with walling, comprising a combination of doors and glazing. This, along with the other works proposed to facilitate the proposed change of use are supported by Class Q.1(i)(bb).
12. In light of the foregoing reasons, I am satisfied that the extent of works proposed would be reasonably necessary for the building to function as a dwellinghouse, in accordance with Class Q.1(i) of the GPDO. Consequently, the proposed change of use is permitted development pursuant to Schedule 2, Part 3, Class Q of the GPDO.

Conditions

13. The conditions set out in the accompanying schedule are based on those suggested by the Council, which I have considered in light of the GPDO. Paragraph W (13) of the GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Consequently, the condition in respect of enhancement measures for the local bat and bird populations is not reasonably related to the subject matter of prior approval.
14. Paragraph Q.2.(3) of the GPDO states that development under Class Q is permitted subject to it being completed within a period of 3 years starting with the prior approval date. Further, permitted development rights under Schedule 2, Part 1, Classes A, B, C, D, E, G and H of the GPDO are not applicable to a dwellinghouse that has been granted by virtue of Class Q. Therefore, conditions stipulating the time scale for the implementation of the approval and removing permitted development rights are not necessary.
15. To ensure certainty, it is necessary to impose a condition setting out the approved plans. Although potential contamination has not been identified as an issue, a condition is included to ensure that the development can be carried out safely without unacceptable risks to workers, other receptors and that risks to future users of the site are minimised. Conditions requiring details of boundary treatments, parking and turning provision are necessary in the interests of the appearance of the development and highway safety.
16. A condition requiring a scheme for the disposal of foul and surface water is required to safeguard the living conditions of future occupants and to ensure satisfactory drainage for the development. In the absence of a clear reason, it is not necessary for this to take the form of a pre-commencement condition.

Conclusion

17. For the reasons set out above, I conclude that the appeal is allowed and prior approval is granted.

M Aqbal

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans subject to compliance with the other conditions of this approval: Drawing No. B/17/7/3 Location Plan (Scale 1:1250); Drawing titled 'Madeley Park Farm Agricultural Building as Existing' and Drawing titled 'Madeley Park Farm Agricultural Building as Proposed - Revised Scheme 2 - 28/3/2019'.
2. Prior to the first occupation of the dwellinghouse hereby approved, a scheme for the disposal of foul and surface water shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details, prior to the first occupation of the dwellinghouse hereby approved.
3. Prior to the first occupation of the dwellinghouse hereby approved, details for any boundary treatments (taking into account vehicular access, parking and turning provision) shall have been first submitted to and approved in writing by the local planning authority. Thereafter the boundary treatments shall be implemented in accordance with the approved details, prior to the first occupation of the dwellinghouse hereby approved.
4. Prior to the first occupation of the dwellinghouse hereby approved, vehicle parking and turning provision shall have been first submitted to and approved in writing by the local planning authority. The vehicle parking and turning areas shall be provided in accordance with the approved details, prior to the first occupation of the dwellinghouse hereby approved.
5. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken by a competent person in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historic environment, which is subject to the approval in writing of the local planning authority. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority prior to bringing the development into first use.