



Appeal Decision

Site visit made on 17 January 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2020

Appeal Ref: APP/Z1510/W/19/3239635

Stock Street Barns, Stock Street, Coggeshall, Essex CO6 1NX

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Christopher Hill against the decision of Braintree District Council.
 - The application Ref 19/01480/COUPA, dated 3 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 5no. residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development field on the original application form is blank. Therefore, I have used the description of development from the Council's decision notice in the banner heading.

Background

3. The application for prior approval was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO'). Class Q permits the change of use of agricultural buildings to dwellings, with associated operational development, subject to the criteria set out within the legislation.
4. Class Q allows for up to three larger dwellinghouses with an overall floor space of 465 square metres; or up to five smaller dwellinghouses each no larger than 100 square metres; or a mixture of both providing that no more than three larger homes are delivered within a maximum total of five dwellinghouses.
5. In determining the appellant's application, the Council concluded that the proposal did not comply with Criterion (b)(i)(bb) of Paragraph Q.1 of the GPDO.

Main Issue

6. The main issue is whether the change of use would be permitted development having regard to Class Q, Paragraph Q.1 of the GPDO.

Reasons

7. Criterion (b)(i)(bb) of Paragraph Q.1 of the GPDO states that development is not permitted if the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres.
8. The Courts have found that it is possible to change the use of 'part of the building' so long as the floorspace limits are not exceeded. This is because, from Article 2(1) of the GPDO, the meaning of 'building' includes 'part of a building' for Class Q of Schedule 2, Part 3 of the GPDO – and the floorspace restriction is stated to be a restriction on the change of use, not on the size of the building or buildings in which the change of use occurs. Therefore, a building or buildings whose total floor space is more than 465 square metres could be partly converted into a dwellinghouse or into dwellinghouses, with the remaining part of the building(s) still in agricultural use.
9. The proposed change of use would involve the conversion of four agricultural barns (known as Barn A, Barn B, Barn C and Barn D) to five dwellinghouses. Barn B and Barn C would be converted into three larger dwellinghouses, whilst Barn A and Barn D would be converted into two smaller dwellinghouses.
10. In this instance, the dispute relates to whether the proposed conversion of Barn B and Barn C to three larger dwellinghouses would be permitted development.
11. The evidence before me, which includes annotated floor plans of the existing buildings, indicates the cumulative floor space of Barn B and Barn C is approximately 597 square metres. The appellant states that the change of use would result in three larger dwellinghouses with a cumulative floor space of 424.08 square metres, which is below the 465 square metre floor space restriction.
12. However, I note that the floor space calculation does not take account of the covered entrances and patio areas that would be created as part of the change of use by partially removing the external walls to Barn B, but retaining the existing roof structure.
13. The covered areas would be physically attached to the proposed residential dwellinghouses and would serve a residential function. Therefore, I consider that the covered entrances and patio areas would constitute part of the floor space of the proposed larger dwellinghouses having regard to the definition for a 'building' as set out within Article 2(1) of the GPDO.
14. Whilst floor space calculations have not been provided for the covered areas, I note that the areas would encompass the entire extent of Barn B and that no part of the existing buildings (Barn B and Barn C) would remain in agricultural use as part of the proposed development. The cumulative floor space of Barn B and Barn C is approximately 597 square metres. On that basis, I conclude that the amount of cumulative floor space of the existing buildings (Barns B and C) that would be changing use to larger dwellinghouses would exceed 465 square metres. As such, Criterion (b)(i)(bb) of Paragraph Q.1 of the GPDO would not be met.

Other Matters

15. A local resident states that the existing barns are located within the curtilage of a listed building on adjoining land and therefore permitted development rights do not apply. However, I note that this matter was considered as part of a previous appeal decision¹ from July 2019. In that instance, the Inspector concluded that "*On the available evidence it does not appear to me that the barns would be curtilage listed*". Nevertheless, as I have concluded that the proposed development would not accord with Criterion (b)(i)(bb) of Paragraph Q.1 of the GPDO, and, given my decision to dismiss this appeal, it is not necessary to consider this matter any further.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR

¹ APP/Z1510/W/18/3218086