
Appeal Decision

Site visit made on 10 January 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/B3410/W/19/3236123

Blythe Bridge Mill, The Blythe, Stafford ST18 0LT

- 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, Paragraph Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Herbert against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00004, dated 18 December 2018, was refused by notice dated 11 June 2019.
 - The development proposed is the conversion of an agricultural outbuilding to a dwelling under Class Q of the General Permitted Development Order.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matters

3. The appellant's application form does not provide a description of the proposed development, but the appellant's supporting statement, and the appeal form both refer to the conversion of an agricultural outbuilding to a dwelling under Class Q of the General Permitted Development Order. I have therefore adopted this description above.
4. I note that the Council's decision notice refers to the appellant as Mrs Herpert. Whereas the appellant's application form and supporting statement refer to the appellant as Mrs Herbert, therefore I have used this as the appellant's name above.
5. The Council's decision notice, the officer's report and the appellant's supporting information all refer to the associated building operations. I shall therefore consider the appeal as comprising of the change of use and for associated operational development, having regard to Class Q part (a) and (b).
6. There is no dispute between the parties that the proposal complies with the requirements set out in paragraph Q.1. parts (a) to (h), and parts (j) to (m). Accordingly, I shall confine my detailed consideration to the remaining Q.1. part (i).

Main Issue(s)

7. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with regard to the associated operational development.

Reasons

8. The appeal site forms part of a cluster of buildings located at Blythe Bridge Mill, the building has an open frontage that faces out onto the associated farmyard. The modern portal framed agricultural building is enclosed on three sides, which consist of blockwork to the lower levels, and timber cladding to the upper levels, and a pitched roof constructed in corrugated sheets.
9. 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.
10. Paragraph Q.1.(i) (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 dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
11. The submitted plans and details show that various works are proposed to the building including the building up of the existing blockwork walls behind the timber cladding, the installation of windows on all three existing enclosed elevations, a door on the east facing elevation, and the infilling of the south facing elevation of the building along with a new set of French doors, a window and a front door. Whilst the existing wall coverings to the rear and sides of the building would be retained, the existing timber cladding on the upper levels has gaps in between each of the boards, this allows for aeration and daylight to penetrate the sides of the building, which I was able to observe when I entered the building during my site visit. New blockwork is therefore required behind these boards to make the building suitable for conversion.
12. I note that the existing blockwork walls to the lower levels, the corrugated sheet roof, and the existing steel framework would be retained. However, whilst individually some of the proposed works such as the insertion of window and door openings are reasonable, the works required as a whole to convert the building into a habitable condition are substantial, and in my view, would go beyond the extent reasonably necessary for the building to function as a dwellinghouse.
13. Furthermore, whilst some internal alterations are exempt from the definition of development under s55(2)(a) of the Town and Country Planning Act 1990, this applies to works of 'maintenance, improvement or other alteration of any building or works' which 'affect only the interior of the building'. In my view the works in this proposal are more akin to rebuilding, and do involve

development, considering the degree of internal blockwork required, along with the other works described above.

14. I have considered the parties claims in relation to the Hibbitt case¹, and the advice contained in paragraph 105 of the Planning Practice Guidance (PPG), which provides further clarification. 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.'
15. The operational development required to enclose the front of the building combined with the required new blockwork is substantial, and in the light of the Hibbitt case and the PPG, the works to facilitate the creation of a residential unit would be so extensive that they would go beyond what could be described as building operations reasonably necessary to convert the existing agricultural building. Furthermore, based on the evidence before me, no structural report has been provided to support of the appellant's claim that the building is suitable for conversion to domestic use. It is my finding, therefore, that the existing building is not suitable for conversion.
16. Consequently, the proposed residential use of the building would not be permitted development because it would not satisfy the requirements of Class Q.1.(i) (i) of Part 3 of the GPDO. Therefore, the proposed development does not benefit from deemed consent granted by the GPDO.

Other Matters

17. The appellant has provided two appeal decisions and associated plans relating to the conversion of other portal framed barns. Whilst I acknowledge the similarities in that they appear to be only open on one side, they differ in that the enclosed elevations are more substantial, consisting predominantly of solid corrugated sheets, unlike like the timber cladding with gaps in this case as described above. From the information provided it is also unclear whether any substantial new blockwork would have been required in these cases. Furthermore, both cases appear to have been supported by evidence in relation to the structure of the buildings and their suitability for conversion to domestic use. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
18. Given my conclusion above there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

Conclusion

19. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).