



---

## Appeal Decision

Site visit made on 28 January 2020

**by D. Szymanski, BSc (Hons) MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> February 2020**

---

**Appeal Ref: APP/V2635/W/19/3239194**

**Redundant Piggery, Meadow View Farm (north-east of Rands Farm),  
Rustons Road, Marshland St James, Norfolk, PE14 8ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Mrs Emma Watling against the decision of the Borough Council of King's Lynn and West Norfolk.
  - The application Ref: 19/01125/PACU3 dated 20 June 2019, was refused by notice dated 15 August 2019.
  - The development proposed is described as: the redundant piggery is being converted into a single dwelling under the new Permitted Development Class Q, a structural survey has been undertaken to confirm that the building can be converted. This barn has already been approved under Class Q, Ref: 16/00338/PACU3, but it has recently expired, hence this re-submission.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of the development in the banner heading above is from the planning application form. The Council's decision notice and the appellant's appeal form more accurately and succinctly describe the development as 'Prior Approval: Proposed change of use from agricultural building to a dwelling house'. I have considered the appeal on this basis. The description of the development above suggests the development is being undertaken and the application retrospective. At my site visit I noted the development had not commenced, and I am considering the appeal on this basis.
3. The appellant has referred to a similar development approved by the Council at this appeal site (Ref: 16/00338/PACU3) which has lapsed. Before me is a fresh application for prior approval, and I have considered the appeal on this basis.

### Main Issue

4. The main issue is whether the proposed development is permitted development.

## Reasons

5. The appeal site building is understood to have last been used as a piggery. It comprises low breeze block and wooden cladding walls below a corrugated pitched gable roof. There is a sizeable opening on each gable end wall and some small low-level openings along the side elevation. Internally there is a concrete floor upon which sits wooden props that appear to partially support the wooden frame of the roof.
6. Class Q of Part 3 of the GPDO 2015<sup>1</sup> allows the change of use subject to a number of limitations. Operational works permitted by paragraph Q.1(i) include the installation or replacement of windows, doors, roofs, or exterior walls, water, drainage, or other services, and partial demolition reasonably necessary to allow these works. Paragraph 13-105-20180615 of the Planning Practice Guidance (the PPG) explains that Class Q assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion 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.
7. The proposed works include staining and re-placing of the existing timber boards on the walls, the replacement of the asbestos concrete roof, and the creation and installation of new windows and doors. These are reasonably necessary for the building to function as a dwelling/house and fall within permitted operations under paragraph Q.1(i) of Class Q. Other works required for the proposal are set out in the supporting statement which refers to the appellant's structural report (dated October 2015, re-inspected October 2017). The appellant is of the view that the works proposed that are not listed in paragraph Q.1(i) or (ii) are internal only and are exempt from the definition of 'development' under s55(2)(a) of the Town & Country Planning Act 1990.
8. The supporting statement and appeal statement suggest alteration but retention of internal props, underpinning of existing foundations, raising the entire internal floor slab by 150mm and sleeping accommodation by a further 350mm. The structural report differs in the wording of its recommendations to some degree. It recommends the existing roof structure is considered unable to support any increased loads from a change in roof covering and is supported by intermediate props built off the concrete floor and, therefore, recommends the existing roof structure should be replaced. Additionally, it advises the shallow foundations require underpinning throughout the building.
9. The appellants proposals are to replace the existing roof with lighter materials. However, I have not been provided with details of the existing load bearing capability or the load of the proposed new roof and insulation. In-light of the recommendation of the structural survey, the proposals would be likely to require that the roof structure is replaced, which would appear to include beams, props and trusses. There is not sufficient evidence before me that would lead me to any alternative conclusion. These works would comprise works that are exempt by s55(2)(a), in accordance with paragraph 13-105-20180615. I note that an Inspector agreed with this principle in appeal Ref: APP/D3830/W/18/3219104. Although based upon the content of that decision letter only, that development appeared to differ from the appeal before me

---

<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

because, aside of the insertion of windows and doors, no additional structural works were required to the exterior of the building.

10. The underpinning of the foundations involves strengthening them by some means depending on the current foundation and end purpose. This could be achieved by differing methods. The report suggests this could comprise mass concrete underpinning techniques to a maximum of 1 metre, although the method and extent of the physical works has not been provided. The references in the structural survey to the inadequacy of the existing shallow foundations throughout the building, lead me to believe that these works are likely to be considerable. It is also unclear as to whether as a result of these works, how much of the concrete slab may need repairing or replacing.
11. Underpinning works are not operations that fall within paragraph Q.1(i) or (ii) that are reasonably necessary for the building to function as a dwelling/house. Based upon the structural report, the works would be likely to comprise significant re-building including some works underneath the external walls of the building. Therefore, such works would not be likely to be restricted to only the interior of the building and would also be beyond the definition of 'maintenance, improvement, or other alteration'. Therefore, they would be excluded from the s55(2)(a) exemption. Based upon the information before me, the required underpinning works would result in works taking place below the existing shallow foundations and therefore be outside the confines of the existing building.
12. Based upon the evidence before me, the proposed development would comprise a new roof, new building frame, stripping and re-placing the timber cladding, and extensive underpinning works to the entire building. The totality of the works set out, lead me to the conclusion that the current building is not capable of functioning as a dwelling and is not a conversion. The totality of the works would constitute re-building and cannot therefore be considered as a conversion. This is even if I were to assume the findings of the structural report and update letter (over 3 years old) were still correct, and that there has been no further deterioration in the condition of the building in that time.
13. The refusal of the application by the Council, and dismissal of this appeal would be contrary the decision to permit the previous scheme under Ref: 16/00338/PACU3. I have been provided with and read the Council's report and decision notice for that application. The Council has explained that it did not fully take into account the implications of the submitted structural survey, and that there has been subsequent case law, and the Planning Practice Guidance (PPG) has changed since that decision. I note the appellant's concern of the lack of consistency by the Council, the expense in submitting the application and associated documentation, and any adverse impacts upon the appellant and their family. I have to consider the proposals based upon the evidence before me having regard to the stipulations and criteria set out in Part Q.
14. The appellant has referred to two Part Q agricultural conversions understood to have been approved by the Council under Refs: 19/01979/PACU3 and 19/01746/PACU3. These are understood to have required new roofs, but been classed as 'upgrading', with neither application being accompanied by a structural survey. The appellant has provided little further details on either case. Therefore, whilst I note the suggestion of inconsistency of the Council, the limited information provided does not allow me to make any reasonable

comparison or conclusion between that proposal and the development before me. I have considered this proposal on its own merits.

**Conclusion**

15. Overall, I find that the proposed works go beyond that which can reasonably be considered a conversion of the former agricultural building and the proposals require underpinning works that fall outside paragraph Q.1(i) or (ii). Therefore, the proposed works do not benefit from permitted development rights. Accordingly, the appeal is dismissed.

*Dan Szymanski*

INSPECTOR