



Appeal Decision

Site visit made on 3 February 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/X1118/W/19/3238894

Barn at NGR 283648 115693 Newland Cross, Down Hill, Tiverton EX16 8QF

- 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.
 - The appeal is made by Mr T Day against the decision of North Devon District Council. The application Ref 66813, dated 31 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described as '*prior approval notification for the change of use of an existing agricultural building to a dwelling under Class Q (b)*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I used the description of development given within the appellant's planning statement as none is contained within the application form.

Background and Main Issue

3. The appeal site comprises part of a barn and its associated land, excluding a lean-to which extends from it to the north of the site. The relevant part of the barn is portal framed with a rectangular form and a dual pitched roof. Inside, it is primarily open, with a largely earth floor. Its walls are predominately clad in timber boarding atop a low concrete block wall, set under a cementitious roof.
4. The proposal seeks to convert the building within the site into a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendments and Consequential Provisions) (England) Order 2015 (the GPDO). This class allows for the 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) and building operations reasonably necessary to convert the building into such.
5. The main issue is therefore whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

6. Class Q accepts that the installation or replacement of windows, doors, roofs or external walls can be allowable. However, its overarching provision states that to be permitted development the building operations must be reasonably necessary to 'convert' the building. If the works go beyond what would amount

to a conversion, then the development would fail at the outset¹. The Planning Practice Guidance (the PPG) states that it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use².

7. The proposal is attended by a structural report³ (the SR) and a Schedule of Works (the SoW), both of which are professionally prepared. The SR finds that the walls of the building could be retained. Nonetheless, it is proposed for the centre of the south elevation to be removed and replaced by three new external walls set inwards to form a rectangular outside space. The north west and north east corners of the building would also be removed and replaced by new external walls similarly set inwards.
8. Whilst the centre of the north elevation would reuse an internal wall, I observed that the existing wall would need to be raised to meet the roof. A multitude of openings would be created across all four elevations, further removing the fabric of the existing building. As such, I find that the level of work to the existing walls would be significant, resulting in the removal of large portions of the building, a reduction to its floorspace, and extensive alterations to its shape and appearance. The work shown on the proposed plans appears to go beyond that quantified elsewhere.
9. Despite some contradiction in the evidence, the proposed plans show that the current roof finishes would be entirely replaced with a standing seam metal roof. In terms of the loading, whilst I appreciate the appellant's intention to utilise a replacement roofing material of equivalent or lesser weight, the SR suggests that new purlins would be needed in any event, as some are defective.
10. Class Q may allow for upper floors to be added⁴. Whilst the SR is satisfied that a first floor could be provided here, it would be another significant intervention, departing the scheme further from the existing barn. Much of the internal floor is earth, and the creation of a new concrete floor, as suggested by the SR and the SoW, would be another notable alteration.
11. A degree of work will inevitably be required to convert a building, and the work set out within Class Q can, in some cases, be extensive. I am also mindful that the PPG identifies that internal alterations fall outside the definition of development⁵. Nonetheless, in my view, the accumulation of the proposed work would be of such a magnitude so as to go beyond the conversion of the barn and qualify as a rebuild, thereby falling outside the scope of the GPDO.

Other Matters

12. I acknowledge that the ambition to create a well-designed dwelling has dictated the significant scope of work that has been proposed. However, the resultant quality of the living accommodation is not germane and attracts no weight in my assessment, which is limited to a legal test against Class Q of the GPDO.

¹ Hibbitt & Anor v Secretary of State for Communities & Local Government & Ors [2016] EWHC 2853 (Admin)

² PPG Paragraph: 105 Reference ID: 13-105-20180615

³ 'Report on the Structural Condition of the Existing Barn and its Suitability for Conversion' (2019)

⁴ PPG Paragraph: 105 Reference ID: 13-105-20180615

⁵ section 55(2) of the Town and Country Planning Act 1990

Conclusion

13. For the reasons outlined above, and taking all matters raised into account, I conclude that the proposal would exceed the overarching requirements of Schedule 2, Part 3, Class Q the GPDO. Consequently, the proposal would not be permitted development and the appeal should be dismissed.

Matthew Jones

INSPECTOR