
Appeal Decision

Site visit made on 28 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/Q3305/W/19/3238717

Little Acorns, Land at Old Wells Road, Leigh on Mendip, Somerset BA4 4LF

- 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 Mrs Julie Barton against the decision of Mendip District Council.
 - The application Ref 2019/0435/PAA, dated 28 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is change of use of agricultural building to a dwelling house (Use Class C3) and for associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provision of Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of agricultural building to a dwelling house (Use Class C3) and for associated operational development at Little Acorns, Land at Old Wells Road, Leigh on Mendip, Somerset BA4 4LF in accordance with the application ref 2019/0435/PAA made on 28 February 2019, and the details submitted with it, pursuant to Schedule 2, Part 3, Class Q and subject to the following condition:
 1. Prior to the occupation of the development the vehicle access shall be constructed of a bound material for a distance of 6 metres from the edge of the highway.
 2. No works above slab level shall take place until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Main Issues

2. The main issue is whether the development would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) with particular regard to whether the extent of the proposed structural works to the building go beyond those permitted under Class Q.

Reasons

Permitted Development

3. Class Q(a) permits development comprising of 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. Class Q(b) permits development referred to in paragraph (a) together with any building operations reasonably necessary to convert the building.
4. Paragraph Q.1.(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 dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations allowed.
5. The Planning Practice Guidance (PPG) provides further clarification in this regard. It 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 right¹.
6. The appeal relates to a rectangular single storey barn, which forms part of a small agricultural holding known as 'Little Acorns' located to the north of Old Wells Road near Leigh Upon Mendip. The existing structure is set on a concrete base and is of a timber frame construction, including timber footer and headers and diagonal bracing. The external works as part of the proposal would include a new roof covering and several new openings in the external walls. Internally it is proposed that the existing concrete slab would remain, and would be overlaid with insulation and floor boarding. The existing timber frame would be fitted with insulation and timber stud walls would be installed to provide walls between rooms. An insulated ceiling would also be formed.
7. The Council has indicated that they consider these works would go beyond what could be considered a conversion of the building. However, I do not find that this is the case. Paragraph Q.1(i) allows for the installation or replacement of windows, doors and roofs and therefore the works comply with this requirement. Furthermore paragraph 105 of PPG states that internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. In this respect I find that the works proposed can be considered as reasonably necessary to convert the building.
8. The Council considers that the existing barn would not be structurally strong enough to take the loading associated with the new loads of windows, doors and other openings, and is therefore not suitable for conversion to residential use. A structural visual report² has been submitted by the appellant which concludes that the barn appears to be in a suitable structural condition to allow

¹ Paragraph 105 Reference ID:13-105-20180615 Revision date: 15 06 2018

² Beveridge Chartered Structural Engineers - Report on Visual Structural Inspection 10th December 2018

for conversion into a habitable dwelling. It further states that the existing primary structure is considered adequate to support the loads from external works. In the absence of any cogent structural evidence from the Council I have no reason to disagree with the findings of this structural inspection. Consequently, I find that the existing building is suitable for conversion to residential use.

9. For the above reasons I conclude that the proposal would comply with the limitations and restrictions specified as being applicable to the proposed development. As such it benefits from permitted development under Class Q.

Prior Approval

10. The permitted development provisions in Class Q are also subject to conditions set out at Q.2, in which Q.2(1) requires the developer to apply to the local planning authority for determination as to whether its prior approval would be required of specified matters. These are (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks, (e) whether the location of siting of the building makes it otherwise impractical or undesirable for the building to change use; and (f) design of external appearance.
11. In respect of criteria (a) the existing site access is of a good standard, and there is good visibility in both directions. The Council has confirmed that the change of use would not give rise to any issues in relation to highway safety, subject to a condition requiring the first 6 metres of the access from the highway being finished in a consolidated bound material. The Council has raised no concerns in respect of criteria (b)-(e), and I have no evidence to lead me to reach a different conclusion.
12. In respect of criteria (f) whilst the building is of a simple design, the plans show the external cladding would be retained in its current form. It is therefore not considered that its conversion will lead to a harmful impact on the character and appearance of the area. It therefore follows that prior approval should be given.

Conditions

13. Conditions can only be imposed to address the prior approval matters where necessary. In addition, conditions should not be imposed which duplicate provisions that are already specified in the GPDO. Paragraph Q.2(3) requires the development permitted under Class Q to be completed within a period of 3 years starting with the prior approval date. Also, paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application. Therefore, further conditions setting out a time limit and approved plans are not necessary.
14. The Council in their officer report has suggested conditions related to external materials and the formation of the site access. A condition specifying that the first 6 metres of the site access be consolidated with bound material is necessary in the interest of highway safety. A condition relating to the external materials is necessary to ensure that the conversion does not harm the character and appearance of the area.

Conclusion

15. For the reasons given above I conclude the appeal should be allowed.

S Shapland

INSPECTOR