



Appeal Decision

Site visit made on 9 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/C1435/W/19/3239187

**Barn, Cobham Farm, Cobdown Lane, Five Ash Down, East Sussex
TN22 3AR**

- 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 Graham Payne against the decision of Wealden District Council.
 - The application Ref WD/2019/0555/P04, dated 13 March 2019, was refused by notice dated 13 May 2019.
 - The development proposed is conversion of part of barn to a three-bedroom house. Walls will be timber-clad and roof will be metal.
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Decision

1. The appeal is dismissed.

Procedural matters

2. This appeal relates to Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class Q (a) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a Class C3 use (dwellinghouse). This provision also includes at (b) any building operations reasonably necessary to convert the building.
3. Planning Practice Guidance (PPG) advises that the schedule grants planning permission, subject to the prior approval requirements under Class Q. There is no dispute between parties that the proposal meets the conditions of paragraph Q.2(1) (a) to (f). However, the contention is whether the proposal satisfies the conditions as described by paragraph Q.1(i)(i). This provision allows for building operations that consist of at (aa) the installation or replacement of windows, doors, roofs or external walls and at (bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
4. The Council's second reason for refusal refers to the requirements of the 2017 Habitat and Species Regulations (Habitat Regulations). This indicates that the proposal has the potential to have significant recreational and air quality impacts on the Ashdown Forest Special Area of Conservation. However, the Council has since confirmed that this matter should not have formed a reason for refusal. This being on the basis that Paragraph 75 of the Habitat Regulations states that development should not be begun until the local planning authority has given its written approval that the development may

proceed. As the requirements of the Habitat Regulations are in isolation to the performance of the GPDO, I am not required to undertake an Appropriate Assessment or pay further regard to these Regulations. I have considered the appeal on this basis.

Main Issue

5. The main issue is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the building operations being reasonably necessary for the building to function as a dwellinghouse.

Reasons

6. The appeal site is within an agricultural holding. The barn, the subject of this appeal, is accessed by an unmetalled track from Cobdown Lane. The farm buildings include several barns. These are located adjacent to a small dwelling. The barn the subject of this appeal is located in the middle of the group. It is a comparatively long building, the proposal itself involves the change of use of around a quarter of the northwest end of the building.
7. The building includes a steel portal frame. It consists of three steel frames and is of basic design and function. It has a concrete floor and includes profiled metal roof sheeting. Its walls are half-height breeze block to its sides and on parts of the exposed end. Above the breeze block sides the walls consist of wooden battens and panelling. These in combination with the breeze block walls form a moderate sense of enclosure. In contrast, the north west gable end is relatively open with a limited enclosure.
8. The Appellant's structural survey¹ identified that the steel frame has no signs of corrosion or damage. A new concrete slab was advised to be installed to enable the provision of appropriate insulation. It also concluded that the structure would require insulation within the roof, floor and walls but no additional load would be placed on the stanchions. The survey concluded that the building was structurally sound.
9. The proposed works would include a new metal roof and the introduction of various openings for doors and windows. The breeze block walls would be retained apart from where required to accommodate doorways and a bi-fold door. The steel frame and concrete base would also be retained. The breeze block walls would be over-clad with new timber. However, it is unconfirmed whether the steel frame rests on concrete blocks. Moreover, there are no structural calculations to validate the Appellant's assertion that the steel frame could accommodate the new cladding or its associated insulation without new structural components. It is therefore unconvincing that the additional material would not place additional load on the frame.
10. Paragraph 105 of the Planning Practice Guidance states that the Class Q right assumes that the agricultural building is capable of conversion to a dwelling. It is therefore not the intention of Class Q to allow rebuilding work which would go beyond 'reasonably necessary' in the context of a conversion. The question of whether a proposal would be a conversion or rebuild is central to whether the barn is capable of conversion. Furthermore, a rebuild would not necessarily follow total demolition, it is instead a test of substance and planning

¹ David Wood, Report on Structural Inspection 9 November 2018

judgement. In this case the proposed removal of significant parts of the existing building fabric would largely take the barn back to its steel frame apart from limited elements of the breeze block walls. At that point the barn would retain only a largely skeletal and minimalist structure in comparison to its original form. Therefore, these works would be greater than reasonably necessary to enable the barn to function as a dwellinghouse and to enable these to be seen as just conversion works. Accordingly, the works required to alter the use of the building would be of such magnitude that it would amount to substantial re-building.

11. Accordingly, the extent of building operations would not enable the proposal to qualify as a conversion. These works are especially overt when considering the extent of infilling required to the largely open gable end of the barn. Therefore, even if the existing steel frame and its associated foundations were found to be adequate, significant structural work would be likely to be required to attach the timber cladding to the stanchions and breeze block walls. There is little evidence before me to indicate how the proposed timber cladding and metal roofing would be installed without the addition of new structural cross beams or framing. Although the quantity of works themselves are not determinative, the works proposed would be so extensive they assist in my conclusion that they would go well beyond the normal understanding of conversion. Subsequently, the proposal would be a rebuild and would not qualify under the provisions of Class Q.

Other matters

12. Consideration of permitted development rights is a matter of planning judgement, based on the individual merits of a proposal. However, the appeal decision of Valelands Farm² has been referenced by both parties. In that case the barn was a steel framed structure. It was clad in metal sheeting and stood on a concrete slab. The proposal included a replacement roof, new wall cladding and new doors and windows. The Inspector found the existing barn to be of rudimentary design and that extensive building operations would be required, beyond mere conversion works and consequently dismissed the appeal. The barn the subject of this appeal appears to be more robust, but it would also retain only a limited part of the original building fabric.

Conclusion

13. For the above reasons the appeal is dismissed.

Ben Plenty

INSPECTOR

² Planning Appeal Reference: APP/C1435/W/17/3191024