



Appeal Decision

Site visit made on 16 March 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2020

Appeal Ref: APP/D3125/W/19/3242066

Sturt Farm, Oxford Road, Burford, Oxfordshire OX18 4ET

- 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 Sturt Farm Burford Limited against the decision of West Oxfordshire District Council.
 - The application Ref 19/02478/PN56, dated 5 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is conversion of barn 9 to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the above description of development from the decision notice rather than from the original planning application form. This is because I find the revised description significantly clearer and more precise. In making this change, I am satisfied that the interests of the parties have not been compromised.

Main Issue

3. The main issue is whether the proposal represents permitted development by virtue of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

4. Class Q (a) of the 2015 GPDO 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 use as a dwellinghouse. Class Q (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
5. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and which would otherwise require planning permission. The PPG clarifies 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. Consequently, 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.

6. The existing building is used primarily for farm storage. It has an asymmetrical pitched roof and comprises of a steel framed structure. The roof consists of corrugated sheeting material and at the lower level, the walls are made from rendered blockwork with corrugated sheeting above. The floor consists of a concrete slab. The appeal has been accompanied by a structural survey which concludes that the building is a substantial and permanent structure and whilst the building has some defects, these could be considered as minor. As a farm building, I agree that the overall structure appears to be in reasonable condition.
7. However, the document also makes a series of recommendations that would be required to enable the change of use of the building. These include the replacement of the existing roof covering and the replacement of the cladding material for the walls. These would represent significant building works and, as a consequence, all that would remain of the pre-existing structure once building work was complete, would be the steel frame, the concrete floor slab, and a low section of masonry in the external walls. Accordingly, due to the extensive and significant work that would be necessary to provide a building suitable for residential use, its resultant built form would be more akin to a rebuild rather than a conversion.
8. Reference has been made to the *Hibbitt v SSCLG* [2016] EWHC 2853¹ case, in which it was held that a building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Whilst it was also held that the extent of the works was not in itself conclusive and that in many permitted developments the work might be extensive, this matter was one, amongst other, relevant considerations, that could assist in forming a judgment on whether the works were part of a conversion or were, instead, part of a rebuild or fresh build.
9. Based on the evidence before me, and for the reasons identified above, the extent of the work that would be necessary to enable the building to be used satisfactorily for a residential use would be substantial. As a consequence, I am satisfied that the agricultural building is not capable of functioning as a dwelling without rebuilding work which would go beyond what is 'reasonably necessary'. Accordingly, the proposal would not reasonably represent a conversion and instead would amount to substantial re-building of the existing structure. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the 2015 GPDO.

Other Matters

10. Reference has been made to the number of conversions that have been approved on the site under the provisions of the GPDO. However, the appellant has stated that of the conversions allowed under Class Q, none have been developed and based on the evidence before me, I have no reason to dispute this matter. However, as identified above, I have already found that the

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

proposal would not be permitted development and therefore, the matter in relation to the number of conversions or otherwise is not a turning issue for the appeal.

11. The evidence introduced by the Council in relation to equestrian use is also noted. However, as the proposal would not be permitted development, this has no bearing on my findings in relation to the main issue.

Conclusion

12. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR