



Appeal Decision

Site visit made on 15 June 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2020

Appeal Ref: APP/J3720/W/20/3247479

Park Farm, Birmingham Road, Henley-in-Arden B95 5QB

- 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 GPDO).
 - The appeal is made by Mr & Mrs M J & B Glanfield against the decision of Stratford on Avon District Council.
 - The application Ref 19/01847/COUQ, dated 28 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is prior approval notification for the change of use of agricultural building into 1no. dwelling including associated operational development under Class Q(b).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development as stated upon the Council's Decision Notice and the appeal form, as opposed to the application form, as it is both full and clear. For the avoidance of doubt, the application made includes details of both the change of use of the building and the building operations necessary to convert the building. It therefore falls under Class Q(b) of the GPDO and I have considered the appeal on this basis.
3. The proposal also relates to the change of use of land within the existing building's immediate curtilage, which is denoted by a red boundary on both the Location Plan (3508-S1) and Block Plan (3508-S2) submitted. As I am sufficiently satisfied that the area depicted complies with the definition of 'curtilage' as set out under Paragraph X of Part 3 of the GPDO, I have determined the appeal on this basis.

Main Issue

4. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. Paragraph Q.1 of the GPDO sets out various requirements that, if not met, result in development not being permitted by Class Q. The Council refused to grant prior approval on the basis that they consider the proposal fails to comply with requirements related to the building operations (including demolition

works) necessary to convert the building. From the evidence before me, the main parties to this appeal do not dispute that the proposal meets all other requirements as set out under paragraph Q.1. I shall consider the appeal on this basis.

6. Criterion Q.1(i) sets out that permitted building operations are restricted to the installation or replacement of windows, doors, roofs or exterior walls (as well as various service provisions) to the extent reasonably necessary for the building to function as a dwellinghouse, and to partial demolition to the extent reasonably necessary to carry out such building operations. As set out in the Planning Practice Guidance, it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of a building to residential use. Only where an existing building is already suitable for conversion to residential use should it be considered to have the permitted development right.
7. The agricultural building under consideration (the existing building) is of approximate square footprint and of steel portal frame design. It is comprised of three adjoining portal frames and the supporting steel columns are consistently spaced to the existing building's perimeter and where the portal frames adjoin. The existing building's elevations, where enclosed, are formed of a mixture of rendered/blockwork dwarf walling and steel sheeting. Its roof is supported by timber beams/rafters and clad with fibre cement sheeting whilst a solid concrete floor is in place throughout.
8. As part of the proposal, a significant portion of the existing building is intended to be demolished. The building's proposed outer extent (post-demolition) would correlate, at least for the most part, with the positions of the existing portal frames and their associated steel columns. This would assist in ensuring that the elements of the existing building that are intended to be retained would continue to be soundly supported.
9. A report upon the suitability of the existing building to be converted into residential accommodation (June 2019) (the Report) involved survey work and the undertaking of structural calculations. The Report's findings note that all structural members are in good order and that the existing structure is adequate to carry the loadings required. Indeed, from my own internal inspection, the steel portal frames and other supporting elements appeared to principally be in sound condition. It is not proposed that a habitable first-floor level be created, and I am content that the building is structurally capable of conversion.
10. Whilst the existing building is capable of being converted in its current form, it is necessary to consider whether the proposed demolition and construction works would constitute a conversion project. If the proposed operations would go beyond conversion works and amount to rebuilding or new-build construction, they would exceed building operations reasonably necessary for a building to function as a dwellinghouse and would not represent permitted development under Class Q.
11. Of particular relevance here is the intended makeup of the building's exterior walls. Whilst the existing building currently benefits from various dwarf walling and cladding extending to the full height of the building's external walls, many of these elements would be lost by virtue of the intended demolition works. The proposed building's northwest and southwest elevations would need to be

constructed from ground floor level up between the various steel structural columns to be retained. Similarly, the intended exterior walls to the proposed integral double garage would require full construction. Whilst I observed various gates/barriers to exist internally between some of the building's structural columns, these were unsubstantial features of agricultural function that were typically of low-level and moveable form.

12. To the southeast and northeast elevations of the proposed building some elements of rendered dwarf walling are intended to be retained. However, all existing metal cladding would be removed and replaced. Thus, all exterior walls would be either constructed or rebuilt to a substantial degree. Whilst criterion Q.1(i) does not stipulate that new exterior walls cannot be installed in positions where there were previously none, the extent of building operations proposed here would, I consider, amount to rebuilding and go beyond works reasonably necessary for the building to function as a dwellinghouse.
13. Reference has been made to other Class Q projects in the local area where prior approval was granted in instances where a substantial amount of demolition work was involved. I acknowledge that the GPDO potentially allows for significant demolition works to occur where reasonably necessary to allow building operations to take place. However, in this case, the resultant building operations required would go beyond what the GPDO allows for. Furthermore, whilst the appellants have referred to the possibility of submitting a demolition notice, such an approach would not provide consent for the intended building operations or the proposed change of use.
14. A 2018 appeal decision relating to One Lower Lodge Farm¹ has been provided in the evidence before me where prior approval under Class Q was granted. That scheme did not involve substantial demolition and the main works comprised part replacement walls to the side elevations, a replacement wall to the rear and a new wall to the front. It was found that such works did not amount to a substantial reconstruction of the building. In contrast, the proposal before me involves the construction of multiple exterior walls in full (with the exception of existing structural columns to be utilised). The intended construction/rebuilding works would go beyond the realms of a conversion project.
15. For the above reasons I conclude that the proposal would not represent permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

16. The provisions of paragraph Q.2 of the GPDO require the proposed development to be assessed based on several different matters, including its transport and highway impacts, its noise impacts, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use and the design or external appearance of the building. However, this is only necessary where development is permitted, which is not the case here. It is not therefore necessary for me to consider the merits of the proposal based on these matters.
17. It is apparent from the evidence before me that prior approval has already been granted for the change of use of agricultural buildings at the Park Farm

¹ APP/J3720/W/17/3179581

site under separate applications determined by the Council². Whilst the full details of these other schemes have not been provided, there is no clear evidence to suggest that they involved significant extents of demolition or rebuilding works. For the avoidance of doubt, I have considered the proposal before me upon its own individual merits.

Conclusion

18. For the reasons set out above, the appeal is dismissed.

Andrew Smith

INSPECTOR

² 19/03156/COUQ & 20/00147/COUQ