



Appeal Decision

Site visit made on 5 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2020

Appeal Ref: APP/B2355/W/20/3244384

Barn 2, Gin Croft Lane, Edenfield, Bury, Lancashire, BL0 0QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, 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 Mr Kevin Skillin against the decision of Rossendale Borough Council.
 - The application Ref 2019/0350, dated 13 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is a change of use of an agricultural building to form one dwelling with associated operational alterations.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of an agricultural building to form one dwelling with associated operational alterations at Barn 2, Gin Croft Lane, Edenfield, Bury, Lancashire, BL0 0QX in accordance with the terms of the application Ref 2019/0350, dated 13 August 2019, and the details submitted with it (including plan Refs: Site Location Plan; Proposed Site Layout Rev B).

Procedural Matter

2. A revised site layout plan was submitted with the appeal that identifies the external materials that would be used. The Council has had the opportunity to comment on this revised plan through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore determined the appeal based on the revised plan.

Main Issue

3. The main issue is whether the proposal 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 works to the building go beyond those permitted under Class Q.

Reasons

4. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.
5. Planning Practice Guidance 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. It is therefore 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 building consists of a traditional 2 storey stone-built barn, and a later single storey open fronted element to the rear. The single storey element is built off the 2 storey barn and there is no dispute that they consist of a single building. The 2 storey stone-built element is clearly of substantial construction, and the submitted structural report indicates that it is suitable for conversion to residential use. However, the single storey open fronted element is more lightweight in its construction and consists of dwarf blockwork walls with timber cladding over, a steel support structure, timber beams, and a corrugated metal roof. The proposal would replace this roof and the blockwork/timber cladding walls and would infill the open frontage.
7. It is asserted that the proposed works to the single storey part of the building would comprise a rebuild rather than a conversion. However, this element consists of only part of the building, and overall, a significant proportion of the existing built fabric would be retained. In this regard, the 2 storey stone-built element would accommodate all of the proposed bedrooms, bathrooms, and a kitchen/family room. Moreover, I note that the GDPO allows for the installation or replacement of exterior walls. In this case, the extent of the proposed works would not be so substantial so as to constitute a rebuild rather than a conversion. In coming to that view, I have been mindful of the High Court Judgement in the case of *Hibbitt v SSCLG* (2016) EWHC (Admin).
8. For the above reasons, I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q.

Conditions

9. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO.

Conclusion

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

Thomas Hatfield

INSPECTOR

¹ Paragraph: 105 Reference ID: 13-105-20180615