



Appeal Decision

Site visit made on 26 May 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/N1025/W/20/3246436

Golden Valley Farm, Derby Road, Risley, Derbyshire, DE72 3SS

- 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(1) and Schedule 2, Part 3, Class Q, Paragraph Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Webster against the decision of Erewash Borough Council.
 - The application Ref ERE/0819/0044, dated 8 April 2019, was refused by notice dated 4 October 2019.
 - The development proposed is a Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q(b) require the local planning authority to assess the proposed development on whether the existing building is used solely for an agricultural use and whether the building operations are reasonably necessary for the building to function as a dwellinghouse. If these requirements are satisfied then the proposal is assessed on the basis of its impact on transport and highways, noise, contamination risks, flood risks, the location or siting of the building, and the design and external appearance of the building. My determination of this appeal has been made on the same basis.
4. The appeal site lies within the Green Belt however planning policy on Green Belts is not relevant to applications under Class Q, and consequently this matter has not been given any weight in my determination.

Main Issue

5. 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).
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Reasons for the Recommendation

6. Golden Valley Farm consists of a dwellinghouse, a stable block and other agricultural style buildings. The proposal would see the change of use of an existing barn to a dwellinghouse, with the building operations required for the conversion.
7. Paragraph Q.1 (a) (i) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (Class Q) sets out the criteria that the existing building must have been used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. The appellant states that they purchased Golden Valley Farm in 2002 and that the barn is currently in agricultural use as part of an established agricultural holding. During my site visit the barn was used for the storage of a vehicle under cover, a trailer and other assorted items. However, based on the limited evidence before me I cannot be sure that the barn was used solely for agricultural purposes on March 20th 2013, and as such I am not convinced that the barn can be classed as an agricultural building for the purposes of Class Q.
8. My attention has been drawn to the case of *Hibbitt V SSCLG* [2016] EWHC 2853, where it was held that, for the permitted development rights to apply, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the existing structure. Though each case must be considered on its own merits, the approach taken in case law is a matter to which I can have regard.
9. The barn currently consists of a metal frame with timber roof beams, and with corrugated metal panels on two sides and on the roof. Class Q permits building operations which are reasonably necessary to convert the building. Paragraph 105 of the Planning Practice Guidance¹ (PPG) states that the building operations may include the installation or replacement of doors, roofs and exterior walls. The existing walls and roof of the barn would be removed and replaced by metal cladding, with the existing brick base retained. Doors would be provided on either side of the dwelling, with windows installed on all sides. The provision of these elements, and the associated building operations, would be reasonably necessary for the building to function as a dwellinghouse as allowed in Class Q.
10. The appellant has submitted a structural survey report that states that the existing foundations, purlins and frame of the building could support the proposed dwellinghouse. However, the report provides no detailed explanation or summary of the findings of the survey, and furthermore the report does not clarify whether the calculations include the additional weight of the insulation for the walls and roof. Also, it is not clear if new foundations would be necessary in some places, such as where new walls would be built where currently the ground appears unmade. I note the Council's comments that the survey does not clarify whether the building would structurally support the proposed mezzanine floor, however I note that paragraph 105 of the PPG states that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor or the insertion of a mezzanine floor which are not prohibited by Class Q. Notwithstanding this, based on the evidence before me I do not consider it has

¹ Planning Practice Guidance, Paragraph 105, Reference ID: 13-105-20180615

been satisfactorily demonstrated that the building is structurally sufficient to support the proposed dwelling.

11. For the reasons above, the proposal would fail to meet the requirements of paragraph Q.1 of Class Q. It is therefore unnecessary in this case to assess the proposal against the conditions set out in paragraph Q.2, as to whether the prior approval is required for certain matters.
12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR