



Appeal Decision

Site visit made on 8 June 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/Y3940/W/19/3241533

Agricultural building at Rosier's Yard, Wood Street, Clyffe Pypard, Wiltshire SN4 7PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a 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 Lord Inchcape against the decision of Wiltshire Council.
 - The application Ref 19/08397/PNCOU, dated 28 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as "Notification for Prior Approval for a Proposed 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.

Procedural Matter

2. As there was no clear description of development within the submitted application forms, I have taken this information from the submitted appeal form.

Main Issue

3. The main issue in this appeal is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), as amended, having regard to the extent of the proposed building operations.

Reasons

4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
5. In order to benefit from the permitted development right under Part 3, Class Q of the GPDO, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building.

6. The Planning Practice Guidance (PPG) explains that it is not the intention of Class Q to include the construction of new structural elements for the building. Therefore, it is only where an existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building could be considered to have the permitted development right.
7. The barn on site is a relatively modern and basic construction. There is a metal frame, with concrete sheeting roof and concrete block walls to the exterior. There is a concrete floor evident. The south-east elevation is currently open.
8. The proposal is to demolish a central section of the barn, with a recently built internal block wall becoming the side elevation of the dwelling with the conversion. There would be a new external wall to the south-east elevation and the wall to the south-west elevation would be constructed higher up to join with the sloping roof. The remainder of the barn would remain in agricultural use.
9. From the proposed plans, it is my opinion that a significant amount of building work would be necessary for the conversion. Although it could be argued that each individual element of what is required is possible as minor aspects, the totality of the works proposed is substantial, with a new zinc roof, front elevation wall the full width of the intended dwelling, and further building works necessary to the south-west elevation. The barn would therefore require significant construction work to achieve the conversion. This also indicates that presently the agricultural building is not capable of functioning as a dwelling.
10. I note the report by BTA submitted by the appellant relating to the structural integrity of the barn building. This report concludes that the barn is sturdy and well built. Furthermore, the report concludes that to achieve the conversion there would be no need for major reconstruction of structural elements, with the roof structure and floor able to be retained with the proposed works. However, there is little or no mention of the proposed demolition intended or that the internal wall would become the side elevation of the dwelling.
11. The report states that the internal wall is in good condition and “provides support to the roof purlins in this bay”, but it is not clear with regards its structural requirements following the partial demolition of the barn as proposed. To my mind, it has not been satisfactorily demonstrated that this internal wall would be sufficient to provide adequate structural support that may be necessary when it becomes effectively a new external wall for the north-east elevation of the proposed house following the demolition works. In this regard I also note that a large proportion of this wall is to be demolished for glazing also, which may be of consequence from a structural perspective. This wall provides some structural support in the buildings current form, but it has not been satisfactorily demonstrated that it would be sufficient to support the building and the roof as a side elevation external wall without further significant structural works being necessary.
12. Clearly the case involves matters of judgement. In this case the proposed works necessary when considered in totality are substantial and the evidence submitted does not persuade me that the development could be undertaken without further structural works being necessary also. To my mind, the agricultural building is not currently capable of functioning as a dwelling without significant building works and possibly further structural enhancements

which would go beyond that which I would consider reasonably necessary to convert this building to residential.

13. I note the examples submitted, but whilst there are some similarities each case should be considered on its own merits. I have come to my conclusions based on the particular evidence and information before me relating to the existing barn and the proposed dwelling.
14. In order to benefit from the permitted developments rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must only involve building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b). Based on the evidence before me and my own observations of the barn, it has not been demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, so as to be permitted development under Class Q.

Prior Approval

15. Given my conclusion that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required as it would not alter the outcome of the appeal.

Conclusion

16. I conclude that the proposed development would not satisfy the requirements of Paragraph Q.1.(i) of Schedule 2, Part 3, Class Q of the GPDO, having regard to the associated advice within the Planning Practice Guidance, and is not therefore permitted by it.
15. The appeal is, therefore, dismissed.

S. Rennie

INSPECTOR