



Appeal Decision

Site visit made on 9 July 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/D0840/W/20/3251518

Barton Hill Farm, Delabole, Cornwall PL33 9BZ

- 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 (GPDO).
 - The appeal is made by Mr Roger Bluett against the decision of Cornwall Council.
 - The application Ref PA19/08560, dated 27 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is proposed change of use of an existing agricultural building into a single 'larger' dwellinghouse (Use Class C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal under Class Q.1.(i) would consist of building operations that exceed those permitted as reasonably necessary for the building to function as a dwellinghouse.

Reasons

3. 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.
4. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed under the same paragraph.
5. The Planning Practice Guidance (PPG)¹ advises 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 only where the existing building is already suitable for conversion that the building would be considered to have the permitted development right. As

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

such, whether or not the proposed works go beyond the scope of conversion requires an element of planning judgement.

6. The proposal would create a single storey dwelling comprising three bedrooms and a lounge/dining room and separate kitchen. The appeal application was submitted with both existing and proposed floor plans and elevations. A structural survey was also submitted and provides extensive detail about the suitability of the structure and the method of reusing some of its component parts to create a dwelling therefrom.
7. The building comprises two main sections, one constructed from single skin blockwork and the other is an open-span building with a frame made from pre-cast concrete, steel and timber elements, covered in corrugated metal sheeting. There is one large opening in the south-east elevation of the building and a few single-width openings in the north-eastern end of the building. The building has an unusual roof profile with a small pitched section with lean-to sections at either end, the smallest of which would be demolished. The internal floor is largely concreted although ground levels vary around the outside of the building.
8. Notwithstanding the solidity of the blockwork end of the structure, the main pitched roof element of the building is a lightweight, aged structure. Following demolition of the lean-to end, there would be an entirely new wall forming the south-west elevation.
9. The submitted structural survey also details the insertion of a timber framed structure requiring its own foundation and providing the necessary load bearing capacity for new floors, ceilings and additional lateral support for the retained elements of the existing building. This is not a commonplace solution in the context of a prior approval application. It is a substantial intervention that *enables* the conversion, indicating that the building is not, in itself, currently suitable for conversion.
10. In addition to the new end wall and insertion of a timber frame structure upon an entirely new foundation, there would be further works involved in creating the building. These include the replacement of the roof covering, removal of much of the internal framework posts, new internal stud walls, new external wall cladding, new concrete floor and insertion of windows and doors. Whilst some of these works would be internal, considered in combination with those works that are of a structural nature and those to the exterior of the building, they cumulatively exceed what I consider reasonable to enable the conversion of the building to a dwelling.
11. I have been referred by both parties to the Hibbitt² High Court judgement. That judgement upheld an inspector's Class Q decision which found that the reuse of a structurally sound steel frame but little else of the original building went beyond that reasonably necessary for the building to function as a dwelling. Following the line of the Hibbitt judgement, I too accept that some conversions could involve substantial works, but that it presupposes that those works comprise 'conversion'. I also accept that in this case, the works would be reasonably necessary, in the sense of not being superfluous and within the perimeter of the existing building. However, the combination of elements of the

² [Hibbitt and another v Secretary of State for Communities and Local Government and another \[2016\] EWHC 2853 \(Admin\)](#)

building that are actually integral to the conversion and the extent of works necessary point more towards a repurposing of an existing minimalist structure as opposed to the conversion of an existing building.

12. Additionally, the case cited by the appellant of the barn conversion at Boyton, Launceston³ relates to the conversion of a steel portal framed building which had substantial concrete blockwork walls on three sides, all of which were to be retained. In this case, far larger extents of wall are composed from skeletal framed structures, which serve little purpose in the new dwelling other than to define the envelope into which largely new materials will be introduced and affixed to form a new dwelling.
13. Accordingly, for the reasons set out above, this proposal would not meet the criteria set out in relation to Class Q.1(i) and is not permitted development.

Other Matters

14. I note the appellant's concerns about the Council's handling of the application and the previous application in terms of the understanding extent of demolition and replacement of the roof. Though I note the error in respect of the interpretation of the end of the building to be demolished, I have determined the appeal on its merits based upon the submitted evidence and it has not affected my findings.

Conclusion

15. The proposal would consist of building operations that go beyond that reasonably necessary for the building to function as a dwellinghouse, and therefore conflicts with Class Q.1(i) of the GPDO. Therefore, the proposal is not permitted development but one for which an application for planning permission is required.
16. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

H Nicholls

INSPECTOR

³ Appeal Ref APP/D0840/W/18/3208377