
Appeal Decision

Site visit made on 23 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/R1845/W/19/3243004

Oak Tree Farm, Pound Green, Arley, Bewdley DY12 3LG

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs J Rose against the decision of Wyre Forest District Council.
 - The application Ref 19/3053/PNRES, dated 1 October 2019, was refused by notice dated 22 November 2019.
 - The development proposed is conversion of agricultural building to form residential dwelling (re submission of 19/3011/PNRES).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of agricultural building to form residential dwelling (re submission of 19/3011/PNRES) at Oak Tree Farm, Pound Green, Arley, Bewdley DY12 3LG, in accordance with the application 19/3053/PNRES made on 1 October 2019, and the details with it, pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 paragraphs Q(a) and Q(b) subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. I note that there is a potential enforcement investigation relating to the appeal building. However, this is not a matter which is before me as part of this appeal, and it has not influenced my decision.

Main Issue

3. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with particular regard to Paragraph Q(b) building operations reasonably necessary to convert the building.

Reasons

4. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of Q(a) a change of use of a building and any land within its curtilage from a use

as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order, and Q(b) building operations reasonably necessary to convert the building.

5. The Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations will be necessary and should be permitted. Those rights include the installation or replacement of windows, doors, roofs and exterior walls. It should, however, not include the construction of new structural elements for the building. The existing building should be structurally strong enough to take the loading which comes with the external works to the building.
6. The appeal site comprises a steel frame barn located within a rural setting. The barn sits on a concrete base with metal profile sheet cladding forming the sides and a fibre cement sheet roof. There are a number of openings in the cladding and the north west elevation is largely open.
7. The Council contend that the proposed works to the north west elevation in the form of full height glazing consists of a structural building operation and goes beyond works reasonably necessary to convert the building into a dwellinghouse.
8. The application is supported by a Structural Report which sets out that the existing building is in good structural condition with no sign of any significant defects. Additional information indicates that the lateral stability of the barn is provided by the steel frame and the proposed glazing would not contribute to the stability of the building.
9. Notwithstanding the Council's comments it is clear from the evidence before me that the existing structure is in good condition and structurally sound. Whilst the works to the north west elevation would comprise extensive glazing, there is no evidence to indicate that this would comprise a structural element. The proposed works, in my view, would not involve extensive rebuilding or go beyond building operations reasonably necessary for the building to function as a dwellinghouse. Accordingly, I conclude that the development would not exceed the limitations set out in paragraph Q.1(i) of the GPDO.

Conditions

10. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have considered the conditions suggested by the Council in light of the National Planning Policy Framework (the Framework) and the PPG. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested.
11. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary or reasonable to impose a separate time limit as requested by the Council.
12. It is necessary to specify the approved plans in the interests of certainty. A number of alterations to the external appearance of the building are proposed, as such a condition requiring details of the external materials has been imposed in order to ensure a satisfactory appearance of the building.

13. The Council has suggested a condition for bat roosts. However, there is no evidence to suggest the presence of bats in the area, therefore the condition has not been imposed.

Conclusion

14. For the reasons given above, the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site Plan; Survey as Existing Drawing No 3746-01 and Conversion to Dwelling Drawing No 3746-02A.
- 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.