



Appeal Decision

Site visit made on 13 July 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/Q3305/W/20/3247213

Hornblotton Farm, Hornblotton, Shepton Mallet, Somerset BA4 6SF

- 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.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms F Litherland against the decision of Mendip District Council.
 - The application Ref 2019/2858/PAA, dated 26 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is the 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 allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development at land at Hornblotton Farm, Hornblotton, Shepton Mallet, Somerset BA4 6SF in accordance with the terms of the application Ref 2019/2858/PAA, dated 26 November 2019, and the plans submitted with it.

Application for costs

2. An application for costs was made by Ms F Litherland against Mendip District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed works would be permitted development, with particular regard to the extent of building operations required.

Reasons

4. The building is a steel framed barn. Concrete wall panels have been inserted between the supporting stanchions, which are supported from the frame and do not reach the ground. Above the concrete panels, one section of the building is clad with profiled sheeting and has an enclosed front that includes a large roller shutter door ('the enclosed section'). The remainder is clad with open boarding to two sides and is fully open on the front ('the open section').

5. This proposal would seek to form a dwelling within the open section. The Council contends that the works involved in filling the open areas and ensuring that the walls are grounded go beyond that which can reasonably be described as a conversion. Here, there are parallels to the case in *Hibbitt and Another v SSCLG and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) which also concerned a steel framed building with concrete panel walling that did not appear to be attached to the ground. However, the works described in *Hibbitt* indicate that the walls would have been replaced in their entirety with structural infill panels. In the present case, all external walling is proposed to be retained.
6. I note that the Council has given prior approval for the change of use of the enclosed section of the same building to a dwelling. I saw at my site visit that, like the open section before me, the concrete panels in the enclosed section were similarly supported by the framework and not connected to the ground.
7. Furthermore, whilst the profiled sheet cladding gives a greater sense of enclosure to that part of the building, I saw that there are clear gaps between it and the concrete panels. The Council's officer reports for each application set out that both proposals would have required the installation of 'rain screening' behind the existing walls. Despite the differences in appearance, then, the proposals for each section are no different in this regard, or the need to 'ground' the walls. With regard to this, there is no substantive evidence that I should treat the two parts of the barn differently.
8. I appreciate that the open section currently has no walling materials in the main front elevation. However, the application indicates that this entire section would be glazed and the works are, therefore, the insertion of windows into existing openings. Whilst the openings are large, that in itself does not indicate a rebuild, or fresh build of the barn.
9. With regard to the above, I find that the works do not entail such an extent of fresh build as to render the proposal not a conversion. It is, therefore, permitted development.

Other matters

10. Of the prior approval matters that fall to be considered, the Council indicates that visibility splays should be secured at the access. However, I note that the Council did not impose any conditions in respect of visibility when giving prior approval for the enclosed section. In light of this, that the proposal would utilise an existing access, and there is no particular evidence of existing safety concerns, I find that no conditions relating to highway and transportation matters are necessary.
11. The Council's officer report also indicates that there could be potential contamination risks, but does not recommend any conditions in that regard.

Conclusion

12. With regard to the above, I conclude that the appeal should be allowed.

M Bale

INSPECTOR