



Appeal Decision

Site visit made on 14 July 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/F1610/W/20/3244736

Agricultural Building at Hayway Farm, Collin Lane, Willersey, WR12 7PB

- 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 (as amended).
 - The appeal is made by Mr & Mrs D Ingles against the decision of Cotswold District Council.
 - The application Ref 19/03797/OPANOT, dated 8 October 2019, was refused by notice dated 6 December 2019.
 - The development proposed is change of use of an agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the development 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) (GPDO) with particular regard to whether the extent of the proposed works to the building go beyond what is reasonably necessary for the conversion of the building to residential use.

Reasons

3. Class Q(a) permits development comprising of 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 to the Use Classes Order. Class Q(b) permits development referred to in paragraph (a) together with 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: (i) the installation or replacement of – (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations allowed.
5. Both parties have drawn my attention to the case of *Hibbitt & Another v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) (Hibbitt judgement).

The Hibbitt judgement concerns a Class Q proposal and, amongst other things, explores the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building.

6. The Planning Practice Guidance (PPG) provides further clarification in this regard. It states 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. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right¹. This is a matter of fact and degree and requires an element of judgement.
7. The appeal relates to a rectangular single storey steel framed barn, located to the north of Collin Lane. The existing structure comprises 4 structural steel frames with a timber framed roof. It was apparent from my site visit that the floor of the barn is currently compacted earth. There is currently metal sheeting on three sides, and the roof is finished in a similar sheeting. The external works as part of the proposal would include a new front external wall on the currently open fronted elevation, with new cladding inserted to match the existing.
8. It is indicated that the existing metal sheeting on the three sides of the barn will also require replacement as part of this conversion. A number of new fenestrations are proposed, which would include 5 double windows on the front elevation, and full height glazing in the centre of this elevation. On the rear elevation a total of 7 new windows would be installed. Internally, a new first floor will be installed which would be self-supporting and not place any additional loadings on the external frame. PPG is clear that internal works are not generally development. It may be appropriate to undertake internal structural works including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls which are not prohibited by Class Q.
9. A structural report² has been submitted by the appellant, alongside an additional addendum note³. The original structural report concludes there are a number of faults with the existing steel structure. This includes a buckled steel angle bracing at the top left hand corner of the building and rust spots on the exposed columns. Furthermore, it has identified a section where the timber truss joint of the roof is separating from one of the columns, and is showing signs of distress. The report concludes that additional bracing will be required when the structure is fully clad, and both a repair and strengthening of the distressed columns to beam joint will be required. The submitted addendum note seems to contradict the findings of this report somewhat, and states that there is no additional structural elements required, and any structural works will therefore be repairs to the existing structure.
10. The recommendation of the report that strengthening is required to the column to beam joint would, in my judgement, go beyond simply repairs and thus would be new structural works required to allow the conversion to a residential dwelling. I do not disagree with the appellants assertion that Class Q.1(i)(i)(aa)

¹ Paragraph 105 Reference ID:13-105-20180615 Revision date: 15 06 2018

² BK Consultants Structural Engineers Report dated 10 September 2019

³BK Consultants Addendum No.1 to Report 190905 Willersey Barn dated 9 January 2020

allows for the installation and/or replacement of exterior walls and roof to the extent reasonably necessary for the building to function as a dwelling house. Whilst the assertion is that these exterior works are not load bearing, the addendum report suggests that the new cladding will provide the bracing required in order for the structure to be suitable for conversion.

11. In my judgement the new exterior walls would introduce a new structural capacity to the building to enable its conversion. PPG is clear that the existing building should already be suitable for conversion to a residential use, and based on the evidence before me I can only conclude that the existing building is not suitable for conversion, and considered together the extent of proposed works would be more akin to a rebuild. In my view, the introduction of bracing and the strengthening required to the identified distressed column to beam joint would consist of structural alterations that would fall outside of those permitted by Class Q(b) and paragraph Q.1(i).
12. The appellant has drawn my attention to a site at Oversley Green⁴ in which the inspector concluded that the installation of an exterior wall on the whole of one elevation, as well as the replacement of the other three walls and the roof did not amount to a rebuild as they would all be supported by the existing structure, and would not require new structural additions. I have not been provided with the full details of that case, however I do not find it to be directly comparable. In this instance, I have concluded that the existing building would not be suitable for conversion without additional structural alterations, which differs from the site at Oversley Green.
13. Another application⁵ for the conversion of an agricultural building into residential which was permitted by the Council has been provided by the appellant. Whilst I appreciate there may be parallels with this site, in so much as it required existing walls to be replaced, I have no details as to whether that building was structurally sound enough for conversion. I therefore cannot be certain that the circumstances which led to it being found acceptable are the same. In any event, all applications and appeals must be determined on their own merits which is what I have done.

Other Matters

14. 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

15. For the reasons given above, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO.

S Shapland

INSPECTOR

⁴ APP/J3720/W/3179581

⁵ 19/01276/AGRPAN