



Appeal Decision

Site visit made on 4 August 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/Y1138/W/20/3250976

Rugglestone Barn, Hollacombe, Crediton, Devon, EX17 5BW

- 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.
 - The appeal is made by Mr and Mrs Burrows against the decision of Mid Devon District Council.
 - The application Ref: 19/01838/PNCOU dated 28 September 2019, was refused by notice dated 6 January 2020.
 - The development proposed is prior notification for the change of use of an agricultural building to 1 dwelling under Class Q.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As no description of development was provided on the application form, I have taken the description of development given above from the Council's decision notice. This description of the development is consistent with that set out on the appeal form. I have determined the appeal accordingly.

Main Issue

3. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reasons

4. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits development consisting 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 (dwelling/houses) of the Use Classes Order¹ and any building operations reasonably necessary to convert the building.
5. Paragraph Q.1. 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)

¹ SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended

- 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 building operations allowed by paragraph Q.1(i)(i).
6. Paragraph 105 of the Planning Practice Guidance² (PPG) provides further clarification. 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 right.
 7. In this regard, the Council refers to the Hibbitt case³, where it was held that the building must be capable of conversion to residential use without operations that would amount either to the complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. There is, however, little guidance as to where the dividing line between a conversion and rebuild (or new build) lies. It is a question of judgement for the decision maker in each case having regard to both the type and extent of the works proposed.
 8. The appeal building is a large barn formed of a main barn and lean-to. It is built around a part concrete and part steel frame with a timber trussed roof. The south and west elevations of the building have concrete blockwork walls indicated to be around 2.5m high. The remainder of the walls are formed of corrugated metal sheeting, and in the case of the west elevation, fibre cement sheeting above the blockwork. The eastern elevation, which forms the largest of the walls of the building, has a sizeable opening to allow access to the barn. The building has an earth floor. The roof of the building is formed of cement based sheeting.
 9. The appellants have provided a structural report on the condition of the building. The report is based on a visual inspection of the building only, with no close inspection of either the roof and timbering or investigation of the building's foundations. It nevertheless confirms that the building is structurally sound. The Council does not dispute this.
 10. The works to convert the building would include the provision of a new floor slab, a replacement roof and the formation of a wall to the front elevation. The existing blockwork walls to the south and west elevations would be retained. Windows and doors would be installed, and some corrugated cladding would be replaced where it has rusted and is beyond reasonable repair or missing.
 11. The structural report has identified that the cladding to the northern wall is in good condition, it has highlighted in places that other cladding is in poor condition but does not confirm whether or not it would be suitable for retention. From my own observations on site, I saw that both the eastern and southern elevations had significant areas of rust and holes and that there was a large gap between the earth floor and cladding on the east elevation. It seems

² Reference ID: 13-105-20180615

³ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

likely that large areas of damaged cladding would need to be replaced as part of any conversion.

12. The works to the walls including the infill of a large section of the eastern wall and the replacement of damaged corrugated material would account for a large proportion of the total wall area. The replacement of the roof, albeit retaining an identical profile, would account for a significant amount of work to enable the conversion of the building.
13. The installation of a ground bearing slab and a floor would be internal works. The advice set out in paragraph 105 states that internal works are not generally development and that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor. On its own the installation of a floor would not therefore go beyond what is reasonably necessary for the conversion of the building.
14. However, having regard to the Hibbitt judgement, it seems to me that the extent of the combined works to the walls, the roof and the floor required to enable the building to be capable of functioning as a dwelling is significant. Whilst Class Q, does potentially allow for substantial works, what would be required in this case, in my view, goes well beyond what could reasonably be described as conversion and would be so extensive as to comprise rebuilding.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR