



Appeal Decision

Site visit made on 17 August 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2020

Appeal Ref: APP/J3720/W/20/3248363

Barn on land at Hogwood farm, Off Tysoe Road, Kineton CV35 0RL

- 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 Brian Hobil against the decision of Stratford on Avon District Council.
 - The application Ref 19/02641/COUQ, dated 6 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is the conversion of existing barn to create 1 dwelling, retaining existing external metal corrugated cladding and the replacement of the existing asbestos roof with new metal corrugated roof profiled to match existing.
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Decision

1. The appeal is dismissed.

Procedural matters

2. This appeal relates to Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(GPDO). Class Q (a) 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 Class C3 use (dwellinghouse). This provision also includes, at (b) development referred to in paragraph (a) together with any building operations reasonably necessary to convert the building.
3. There is dispute between parties as to whether the proposed building operations would be reasonably necessary to convert the building and therefore whether the proposal would comply with Schedule 2, Part 3, Class Q, Paragraphs Q.1(i) of the GPDO. Paragraph (i) excludes building operations other than for 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 dwellinghouse.
4. Paragraph Q.2(1) identifies that where development proposed is under Class Q(a) and Q(b), as is the case here, an application must be made to the local planning authority for a determination as to whether their prior approval is required in relation to the matters in Q.2(1)(a) to (f). There is further dispute between main parties as to whether the proposal satisfies the conditions of prior approval set out by Paragraphs Q.2(1)(a) and (e). Paragraph (a) relates to the transport and highway impacts of the development and (e) relates to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse.

Main Issues

5. Accordingly, the main issues are:

- whether the proposed building operations would be reasonably necessary to convert the building and thereby meet the requirements under Schedule 2, Part 3, Class Q.1(i) of the GPDO,
- whether the transport and highway impacts would be compliant with Schedule 2, Part 3, Class Q.2(1)(a) of the GPDO, and
- whether or not the proposal would satisfy Schedule 2, Part 3, Class Q.2(1)(e) of the GPDO, namely whether or not the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwellinghouse.

Reasons

Building operations

6. The existing barn is a utilitarian steel portal frame structure. A professional structural survey has been provided. This confirms that the building is suitable for conversion. I also note that the Council's Building Control Officer has agreed with this conclusion.
7. Paragraph 105 of the Planning Practice Guidance (PPG) states that the Class Q right assumes that the agricultural building is capable of conversion to a dwelling. It is therefore not the intention of Class Q to allow rebuilding work which would go beyond 'reasonably necessary'. The question of whether a proposal would be a conversion or rebuild is central to whether the barn is capable of conversion. Furthermore, a rebuild would not necessarily follow total demolition, it is instead a test of substance and planning judgement.
8. The Appellant's Structural Report explains that the proposed works would consist of a new corrugated roof and galvanised support purlins, new corrugated side sheets with new galvanised cladding rails to support the side sheets, a new concrete slab, new internal walls and spanning joists. There is therefore some variance between this and the description of development. Accordingly, the stripping back of the barn to its frame and the extent of building operation required to create a dwelling would be relatively extensive. Also, even if the existing steel frame and associated foundations were adequate, substantial structural work would be required to attach the support rails to the stanchions and the purlins to the roof trusses.
9. Although the quantity of works themselves are not determinative, the works proposed would be so extensive they assist in my conclusion that these works would go well beyond the normal understanding of conversion. The proposal would include a significant level of new construction with very little of the original building being retained. Accordingly, the barn would be demolished to such an extent that it would only retain a skeletal and minimalist structure. Moreover, the works needed to alter the use of the building would be of such a magnitude that it would amount to a rebuild. Subsequently, the proposed works would exceed those that would be reasonably necessary to convert a building.

10. My attention has been drawn to several Council and appeal decisions relating to proposals for barn conversions and I note the comparisons made. The appellant suggests that the Council has been inconsistent in its decision making. Reference has been particularly made to a recent approval adjacent to Stonecroft House, Oxhill. However, having considered the details of that scheme I find that it is substantially different to the proposal in context and nature. This has therefore had no substantive bearing on my assessment of this proposal. Moreover, proposals must be determined on their own individual merits as I have done in this case.
11. Accordingly, the proposed building operations would exceed those reasonably necessary to convert the building and thereby would fail to satisfy provision (i) of Schedule 2, Part 3, Class Q.1 of the GPDO.

Transport and highway impacts

12. The access onto Tysoe Road includes a short gradient up to the highway. The road is relatively straight, especially when considering views to the north, affording long and clear visibility. However, when looking to the right, the road curves back slightly towards the site. The field boundary hedging would obscure views in this direction. Consequently, this would shorten the visibility splay when looking south. This would impede the safe exit from the site for vehicles.
13. The appellant has indicated that a required access and track could be subject to separate planning approval or laid out under permitted development rights for agriculture. However, such a fall-back position has not been established and details have not been submitted in evidence to indicate the layout and specification of any such access. Furthermore, such an access does not seem to be reasonably necessary for agriculture as it is only being promoted to benefit the proposed dwelling.
14. Taking the above points together, the proposal provides insufficient certainty that occupiers of the proposed dwelling would be able to gain safe access onto the highway.
15. The evidence does not include access details, visibility splays or analysis of the characteristics of the highway. The submission has therefore not been supported with the necessary highway safety analysis. It is apparent from my on-site observations that the visibility splay from the access would be restricted. On the balance of probabilities, this effect would have an adverse impact on highway safety. As such the proposal would result in adverse highway impacts and therefore fail to satisfy provision (a) of Schedule 2, Part 3, Class Q.2(1) of the GPDO.

Location and siting

16. The existing building sits within the open countryside. The barn is located within a field used for crop growing at the time of my visit. The appeal site comprises of the barn and small area of external space to its northern side. The barn is a relatively short distance from Tysoe Vale Farm. Otherwise the surrounding area is rural in character.
17. Apart from the farm the appeal site is remote from other development and nearby services. Nevertheless, the PPG sets out that Class Q permitted development rights do not contain a test in relation to 'sustainability of

location'. Instead, it explains that consideration may be given within the terms of the GPDO as to whether a proposed conversion would be impractical. Such consideration should be reasonable, which in my view includes that it must be grounded in relevant planning matters, with impractical afforded its ordinary meaning of not being 'sensible or realistic'.

18. Access is required through a relatively large field, which is currently also set to crops. Immediately from the highway the access track consists of rough compacted rubble. This tapers out around 15 metres from the highway and seems to have largely fallen out of use. A new driveway would need to be constructed to enable future occupiers to attend and leave the barn for day-to-day use. However, this alone would not indicate to me that the barn is poorly located.
19. The PPG suggests that a conversion may be impractical where a building is situated 'on the top of a hill with no road access, power source, or other services'. This sets a relatively high bar for impracticality. In that context the conversion of a barn in this essentially rural location is not considered to be impractical. Therefore, whilst the appeal site is separated from other development it is relatively close to Tysoe Vale Farm. I therefore consider that access to water, electricity and sewerage would not be prohibitively distant. I also acknowledge that the appeal site is some distance from the highway and therefore access to utilities would be difficult. However, the context does not lead me to conclude that the proposal would not be inherently sensible or realistic. Therefore, the location and siting of the building would not render it impractical to convert to a dwelling.
20. For the above reasons, and having considered all other relevant matters, the proposal complies with the provisions of Schedule 2, Part 3, paragraph Q.2(1)(e) of the GPDO.

Conclusion

21. For the reasons given the appeal is dismissed.

Ben Plenty

INSPECTOR