
Appeal Decision

Site visit made on 25 August 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/P2935/W/20/3253068

Land Known as Heritage Yard, South of Plough Inn, Eachwick, Northumberland NE18 0BG

- 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 G Johnston against the decision of Northumberland County Council.
 - The application Ref 20/00421/AGTRES, dated 29 January 2020, was refused by notice dated 22 April 2020.
 - The development proposed is the change of use from an agricultural building to residential (C3) use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form, drawings, decision notice, appeal form, and grounds of appeal all give slightly different versions of the site address. For the purposes of my decision, I have adopted that used by the Council on their decision notice, as it clearly identifies the location of the site.

Main Issue

3. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Reasons

4. The appeal site is an agricultural building, with an open doorway in the gable-end, constructed of single-skin profiled-metal sheeting, attached to timber rails set within a steel frame. The floor of the building appeared to be packed earth, rather than a solid, engineered floor.
5. The submission suggests that an independent framework, comprised of a floor slab and timber framing for the new floor and wall structures, as well as alternative roof cladding would be required for the building to function as a dwellinghouse.
6. Section (a) of Schedule 2, Part 3, Class Q of the GPDO allows for a change of use of an agricultural building to a dwellinghouse. Section (b) of that Schedule allows for the building operations necessary to convert that building. Both sections are subject to a number of criteria. Criterion (i) makes clear that a

development would not comply with the regulations if it consisted of building operations other than the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling.

7. Given the condition and construction of the existing building, I consider that the extent of the works outlined as being necessary to create the proposed dwelling would be so significant that the proposal could not be construed to be a conversion. In light of the relevant case law, to which both parties have referred, I consider that the works required would be so significant as to comprise a fresh-build rather than the conversion which is allowed for under the Class.
8. The works would therefore be so significant that they would fall outside of those allowed by Class Q of the GPDO, being outside the extent of what could be considered to be reasonably necessary for the building to function as a dwelling.

Other Matters

9. The appellant has referred me to and provided details of a 2018 decision by Northumberland County Council for a similar proposal and suggested that this decision should follow. However, I consider that the lack of a solid floor at the appeal site, as well as the overall extent of the works required to create the dwelling lead me to consider that they would be outside of the extent of what could be considered to be reasonably necessary for the building to function as a dwelling.

Conclusion

10. For the reasons given above I conclude that the proposed works would not comply with the relevant criteria of Section (b) of Schedule 2, Part 3, Class Q of the GPDO by virtue of the extent of the works required to create the proposed dwelling. I therefore conclude that the appeal should be dismissed.

S Dean

INSPECTOR