



Appeal Decision

Site visit made on 11 August 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2020

Appeal Ref: APP/Q3305/W/20/3244348

Agricultural Building, Tellisford Lane, Norton St Philip, Bath BA2 7LL

- 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 B. Walden against the decision of Mendip District Council.
 - The application Ref 2019/2612/PAA, dated 30 August 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as the "Change of use conversion to a single 3 bedroom dwelling".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Class Q 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 (dwellinghouses), as well as building operations reasonably necessary to convert the building.
3. Paragraph Q.1.(i) defines 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 dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building.
4. The main issue in this case is whether 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 (the GPDO).

Reasons

5. The appeal building comprises a steel framed and metal sheet clad agricultural building. It is clad to three sides and the roof with sheeting, with the front of the building open. From my visual inspection, the frame of the building appeared to be in a good condition.
6. The Planning Practice Guidance (PPG) at paragraph 105 advises 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. The application outlines that it is proposed to replace the existing cladding with new, which will be attached to the existing frame. However, this cladding of the building would also necessitate covering the front elevation which is currently open. There are only upright steels to the front, whereas to the remainder of the walls the cladding is supported by cross-bracing which is part of the frame of the building. There is nothing before me which convinces me that the front elevation of the building could be clad without requiring new structural elements, such as cross-bracing, being added to the frame. Thus, in my view, given that the building is currently open to one side, which is one of the largest sides, there is insufficient evidence before me to allow me to conclude that rebuilding works would not be required.
8. Furthermore, it is a requirement that the building must be already capable of conversion to a residential use. Given that the building would be stripped back to its barest skeletal frame and that it is likely that rebuilding works would be required, as a matter of planning judgement I consider that significant works are required in order to facilitate a residential use. Consequently, the building is not already capable of conversion to residential use.
9. Accordingly, I find that based on the evidence that is before me, taken cumulatively the works likely required to facilitate a residential use of the building would go beyond a conversion and would be so substantial as to amount to rebuilding. Thus, the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal must fail.

Other Matters

10. I have considered the appeal decision¹ put before me by the appellant however it is clear from the details that the scheme being considered was different from that which is before me, in that it was in relation to a building that was enclosed on all sides. This is not the case in this appeal and as such I am unable to draw any useful comparison from this example. I have also been provided with a decision for a previous scheme on a different site. However, as no further details have been provided, this does little to dissuade me from my findings above.
11. There is also reference to the Council's consistency in decision making. However, I have considered the appeal on its merits and found it to not be acceptable. This matter is not therefore one that adds to my reasoning.

Conclusion

12. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR

¹ APP/E2530/W/19/3225819