



Appeal Decision

Site visit made on 27 July 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/K3415/W/20/3247498

Hamley House Farm, Moor Lane, Rugeley, Staffordshire WS15 3LT

- 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 D Brandon against the decision of Lichfield District Council.
 - The application Ref 19/01435/PND, dated 8 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is the conversion of 2no agricultural barns to form 2no dwellinghouses.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the conversion of 2no agricultural barns to form 2no dwellinghouses at land at Hamley House Farm, Moor Lane, Rugeley, Staffordshire WS15 3LT in accordance with the terms of the application Ref: 19/01435/PND, dated 8 October 2019, and the plans submitted with it.
2. In addition to the above, it should be noted that Paragraph Q.2(3) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) requires that development permitted by Part Q is to be completed within a period of three years starting with the prior approval date. Paragraph W(12) requires that the development must be carried out in accordance with the details provided in the application.

Procedural Matter

3. The application and appeal documentation indicate that the wall cladding would be replaced as part of the proposal, but it was unclear whether the existing block and brickwork walls would also be replaced. Having sought clarification on this matter from the Appellant, it is suggested that the existing block and brickwork walls would be retained as part of the proposal (save for the creation of the window and door openings shown on the submitted drawings) with the cedar cladding applied to the existing retained walls. I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposal is permitted development.

Reasons

5. Class Q of Schedule 2, Part 3 of the GPDO permits development consisting of the change of use of a building (and any land within its curtilage) from an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q also allows any building operations reasonably necessary to convert the building.
6. The Councils main contention is that the building operations required would go beyond what could be reasonably considered to be a 'conversion'. Therefore, it is the Councils view that the proposal would not be 'permitted development'.
7. 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 dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. Paragraph 105 of the Planning Practice Guidance (PPG)¹ provides further clarification. The guidance 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 that the building would be considered to have the permitted development right.
9. The existing building consists of three elements, a dutch barn, a general-purpose agricultural building, and a covered way which links the two. From the evidence before me, and what I observed on site, the existing metal framework of the barns would provide the necessary support to enable the buildings to be converted to residential accommodation, including any additional loadings which would result from the changes to the cladding of the buildings.
10. The proposal would involve the retention of the blockwork and brickwork walls albeit that there would need to be new openings created to facilitate the proposed windows and doors. There would also be the need to construct a new wall to unit 1. However, the GPDO does not prevent the construction of new external walls per se. Similarly, I acknowledge that the existing corrugated sheeting to the barns would be replaced with timber cladding. However, that does not in itself indicate that the proposal would be a conversion as opposed to a rebuild.
11. Whilst I acknowledge that the totality of the proposed works would not be insignificant, to my mind, given that the proposal includes the retention of the existing blockwork walls (albeit with new openings for the proposed windows and doors), the development would still amount to a 'conversion' as opposed to a re-build².
12. The Council have also raised concern over the erection of a new boundary wall between the two dwellings. Whilst this does not necessarily benefit from the

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

² Taking account of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

permitted development rights afforded by Part 3, Class Q of the GPDO, it would benefit from rights under Part 2 Class A.

13. Taking all of the above into account, I consider that the proposal would be 'permitted development'.

Other matters

14. Other than the possible presence of Great Crested Newts, the Council has not raised any issues which would suggest that there is a need for a determination of prior approval on any of the matters included at paragraph Q.2 (1) and I have no reason to disagree with that view.
15. In respect of the potential for Great Crested Newts, the Council's ecologist recommended that a survey is carried out. However, no evidence has been submitted to suggest that there are Great Crested Newts in the vicinity of the site. Given what I observed, and the nature of the surrounding land, I consider that such surveys are not required in the context of this appeal. That said, this does not negate the requirements of the Wildlife and Countryside Act 1981 (as amended).
16. Finally, in addition to the above, it is noted that Hamley House Farm is a Grade II Listed Building. However, whilst Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires this to be assessed when considering whether to grant planning permission, as a prior approval application is not an application for planning permission (as planning permission would be granted by the GPDO if the proposal is permitted development) there is no need for me to consider this matter any further.

Conclusion

17. For the reasons given above, I conclude that the works necessary to create the dwelling from the building on site would fall within the scope of that permissible under Part Q(b) and therefore would be permitted development. Consequently, the appeal is allowed.

Chris Forrett

INSPECTOR