



Appeal Decision

Site visit made on 22 September 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/H1705/W/20/3250797

Little Acre, Woods Lane, Cliddesden, Hampshire RG25 2JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Ms Lorna Gauntlett against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02303/GPDADW, dated 21 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is conversion of two buildings from agricultural use to Class3 dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the change of use would represent permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO).

Reasons

3. Development is not permitted by Class Q of the GDPO *if the site was not used solely for agricultural use as part of an established agricultural unit on 20 March 2013, or in the case of a building which was in use before that date but which was not in use on that date, when it was last in use.* The evidence before me indicates that the Council is satisfied that the two buildings concerned were in agricultural use for grazing animals on the relevant date. There is nothing before me to suggest I should come to a different conclusion.
4. The courts have found¹ that a building must be capable of conversion to residential use without operations that would amount to either complete or substantial rebuilding of the pre-existing structure.
5. The appeal buildings are Unit 1 and Unit 2. Unit 1 has the appearance of a former stable building and Unit 2 appears to be a cluster of contiguous storage units with interconnecting doors. Both units are of basic shed construction with largely shiplap timber walls and concrete asbestos or membrane roofing. Some of the timber is in very poor condition. The timber studs are fairly slender and are consistent with supporting a roof of limited weight.

¹ Hibbitt v SSCLG [2016] EWHC 2853

6. Class Q allows building operations consisting of the *installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwelling house*.
7. The planning statement notes that the existing envelope of the building would remain unchanged with just the insertion of doors and windows. However, this does not appear to be the case. The report highlights that the existing timber studs may not be suitable for the loading arising from roof insulation. Although not specifically mentioned it also appears that the existing walls would require insulation and additional weatherproofing to bring the buildings up to habitable standards. The drawings show replacement ground bearing floor slabs and underpinning. Unit 1 would also require additional wall posts, roof ties and rafters.
8. As such, although the existing timber structures could remain it appears that considerable reinforcement and replacement of existing materials and structures would be needed. To provide habitable accommodation the units would have to be substantially rebuilt.
9. This would be more than what would fall under the definition of *reasonably necessary*. I accept that there is no absolute definition of what constitutes *reasonably necessary* but it is a matter of fact and degree, and planning judgment.
10. Photographs of converted agricultural buildings have been submitted. I do not doubt that the buildings could be converted. However, the issue before me is the extent of necessary works and I have concluded that it would exceed what is allowed under Class Q.
11. The barn that formed the basis of the aforementioned judgment had a different construction than that now before me. However, that does not alter the principle of that judgment that it is not the intention of permitted development rights to allow rebuilding work beyond what is reasonably necessary.
12. I agree that internal walls are not controlled by Class Q. However, the construction of load bearing, insulated and weatherproofed external walls, which would be required here and which appear to be shown on the drawings, do fall within the control of the GDPO.
13. In the light of the above I conclude that the development would not meet the criteria for permitted development set out in the GDPO, or the guidance in Planning Practice Guidance. Consequently, on these grounds I conclude that the proposals would not be permitted development under Schedule 2, Part 3, Class Q of the GDPO. The appeal should be dismissed.

A Blicq

INSPECTOR