



Appeal Decision

Site visit made on 4 August 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/D1265/W/20/3250051

Agricultural Building, Moreton Road, Owermoigne, Dorchester DT2 8HZ

- 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 P Notley against the decision of Dorset Council.
 - The application Ref WD/D/19/002259, dated 2 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is described as '2 x 1 bedroom dwellings (each 84.52sqm), 2 x 3 bedroom dwellings (each 168.23 sqm) to be centred onto yard areas and 2 parking spaces per unit. Design in keeping with existing with vertical timber cladding'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. West Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council on 1 April 2019. Accordingly, the appeal has been issued with a new reference number, as set out in the header above.

Main Issue

3. The main issue 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 (as amended) (the GPDO), having particular regard to the building operations reasonably necessary to convert the premises to residential use.

Reasons

4. The appeal site comprises two agricultural buildings separated by a courtyard, which are characterised by their utilitarian appearance. They are constructed of steel portal frames, which support pitched roofs made of fibre cement and profile tin cladding roofing sheets. The elevations fronting the courtyard are open, whilst the remaining elevations are either fully or partially enclosed with half height block walls and profile steel sheeting, Yorkshire boarding or fibre cement cladding.
5. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building and any land within its curtilage to a residential dwelling, together with building operations reasonably necessary to convert it. There is no dispute between the main parties that the appeal buildings were used solely

for an agricultural use as part of an established agricultural unit on 20 March 2013, and the proposal would therefore accord with paragraph Q.1(a) of the GPDO.

6. The proposal would enable the formation of two 'larger dwellinghouses' and two 'smaller dwellinghouses'. The cumulative floor space of the 'larger dwellinghouses' would not exceed 465 square metres. The floor space of any one separate 'smaller dwellinghouse' would not exceed 100 square metres. Accordingly, the change of use of the buildings to four dwellings as proposed would comply with the requirements set out by paragraphs Q.1(a) and (c) of the GPDO.
7. Some building works to facilitate the change of use of an agricultural building to residential accommodation are permitted by paragraph Q.1(i), to the extent that they are reasonably necessary for the building to function as a dwellinghouse. These are identified as the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services. However, as detailed within the national Planning Practice Guidance¹ (the PPG), the right assumes that the agricultural building is capable of functioning as a dwelling.
8. The blockwork would need to be taken to full height where necessary, and rendered. The existing cladding would be replaced with vertical timber boarding, and the roof would be changed to a slate grey polyester coated steel profile roof. A number of windows and doors would also be installed, as appropriate. Additionally, the installation of internal walls and insulation, heating and services would be required, but also fixtures and fittings and floor coverings, as parts of the appeal premises do not currently have any flooring.
9. The appellant's submissions confirm that the appeal buildings are structurally sound, but this is not determinative to meet the requirements of Class Q. Whilst substantial alterations may be permissible, the premises would not here be capable of functioning as dwellinghouses in the absence of the works outlined within the appellant's submissions, which would notably require a number of elevations to be partially or largely enclosed. The alterations proposed would be so extensive that they would go beyond the building operations reasonably necessary to change the use of these agricultural structures to residential accommodation.
10. My attention has been drawn to various appeal decisions related to the change of use of agricultural buildings into dwellinghouses, some of which would have been issued prior to the clarification provided by the *Hibbitt*² judgment and the national Planning Practice Guidance. The details of these particular schemes are not before me, and I cannot therefore be certain that the circumstances represent a direct parallel with the current proposal. That said, the nature and extent of proposed building operations should be in each case assessed as a matter of fact and degree, having notably regard to the condition of the agricultural building. They should inform a conclusion as to whether or not the works would amount to development and, if so, be 'reasonably necessary' to facilitate the change of use, or fall outside the permitted development right.

¹ Reference ID 13-105-20180615.

² *Hibbitt v SSCLG* [2016] EWHC 2853.

11. By reason of the extensive works necessary to enable the appeal buildings to function as dwellinghouses, I find that the proposal would not constitute permitted development as set out in Class Q(b) and there is consequently no need to consider whether or not prior approval in respect of the accompanying conditions set out in paragraph Q.2 would be required.

Other Matters

12. The appeal site lies within proximity to Warmwell Heath Site of Special Scientific Interest (SSSI), by reason of the special interest of its heathland habitats and associated plant and animal species. Warmwell Heath SSSI also forms part of Dorset Heaths Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar. Natural England consider that the proposal would have a likely significant effect on the integrity of these European and International wildlife sites (either individually or in combination with other plans or projects) as a result of increased urban related pressures, unless suitable mitigation is provided. As this appeal is being dismissed on other substantive grounds, this is however not a matter which needs to be considered further here.

Conclusion

13. For the reasons given above, the proposed building operations would extend beyond what is reasonably necessary for the conversion of the buildings to residential use. I conclude that the proposal does not constitute permitted development and should consequently be dismissed.

S Edwards

INSPECTOR