The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/Y2430/W/20/3247255
Highfield Farm, John O Gaunt, Melton Mowbray LE14 2JN

- 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) (England) Order 2015.
- The appeal is made by Mr Angus Smith against the decision of Melton Borough Council.
- The application Ref 19/01311/GDOCOU, dated 28 December 2019, was refused by notice dated 27 January 2020.
- The development proposed is Change of Use of Agricultural Building to 3 Dwellinghouses (Class C3), and for Associated Operational Development.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed development is permitted by Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with particular regard to Paragraph Q(b) building operations reasonably necessary to convert the building.

Reasons

3. Schedule 2, Part 3, Class Q(a) of the GPDO permits the change of use of a building and any land within its curtilage from an agricultural building to a dwellinghouse, and Q(b) permits building operations reasonably necessary to convert the building.

4. The Planning Practice Guidance (PPG) recognises that for a building to function as a dwelling some building operations will be necessary and should be permitted. Those rights include the installation or replacement of windows, doors, roofs, exterior walls and services. However, it is not the intention 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.

5. The building has a solid concrete floor with a slender steel portal frame forming 4 bays with an internal wall dividing the building in two. One end of the building is clad in corrugated metal sheeting extending the full height of the

building and the other sides of the building are formed of sections of concrete blockwork of varying heights and lengths. The building is largely open on two sides. The roof is covered with corrugated sheets supported by timber purlins.

6. The appellant's Structural Appraisal (SA) indicates that the steel frame is sound enough to support the structure. However, it also states that it is likely that the foundations of the steel frame would require enhancing to support the additional load, and the steel frame would require bracing during construction and for the dwellings. Whilst further investigative work may well establish the nature of the foundations, there is no substantive evidence that the slender steel frame is capable of supporting the building operations proposed without new structural elements.

7. The SA indicates that it may be necessary to underpin the concrete block walls. Whilst new walls are permitted the underpinning would amount to new structural elements to support the existing and proposed walls.

8. I acknowledge that the scheme does not propose any demolition, and the building's metal frame, concrete floor and block walls would be retained. I also note that the work set out in Class Q can, in some cases, be extensive including replacement or new walls, doors, windows, roofs and utilities. However, the structural alterations required to make the building suitable for conversion would go beyond works reasonably necessary to convert the building permitted and would not meet the requirements of Q(b).

9. The appellant has referred to a number of decisions which they suggest are relevant to this appeal. In respect of the Alcester[1], Bridgewater[2], Market Overton[3], Modbury[4], and North Luffenham[5] appeals I acknowledge that they relate to steel framed barns and proposals with varying degrees of building operations including demolition, replacement cladding, roofs, new walls and windows and door openings. However, in all of the cases the Inspectors were satisfied that the existing structure was structurally sound and already suitable for conversion and capable of supporting the building operations proposed or that the works were not required to improve the structural integrity of the building. This would not be the case in respect of the appeal building and as such these cases do not lead me to reach a different conclusion in respect of my decision.

10. The appellant has referred to the Hibbitt[6] judgement. The Hibbitt judgement established that it is a matter of judgement of the decision maker as to where the line is drawn between conversion and a rebuild.

Other Matters

11. The proposal would make a modest contribution towards housing in the area, it would provide employment opportunities and may sustain local services and have a satisfactory appearance. However, these are matters which fall outside the scope of what I can consider in determining an application under Schedule

[1] Appeal Ref: APP/J3720/W/17/3179581
[2] Appeal Ref: APP/V3310/W/17/3181124
[3] Appeal Ref: APP/A2470/W/19/3221197
[4] Appeal Ref: APP/K1128/W/18/3199823
[5] Appeal Ref: APP/A2470/W/19/3221217
[6] Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

2, Part 3, Class Q of the GPDO, and they therefore do not weigh in favour of the proposal.

12. The appellant has made reference to a number of prior approval applications granted by the Council since 2015. However, I am not bound by other decisions of the Council.

13. I acknowledge that the changes to the GPDO were introduced as a way of increasing rural housing and diversifying farms. Nevertheless, it is clear that the requirements of Class Q seek to ensure that only genuine conversions, and not fresh builds or rebuilds, are permitted.

Conclusion

14. For the reasons set out I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO.

15. The appeal, therefore, does not succeed.

B Thandi

INSPECTOR