



Appeal Decision

Site visit made on 18 August 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/J0405/W/20/3252797

Barns at Fields Barn Farm, Brackley Road, Westbury, Buckinghamshire NN13 5JP

- 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 R Tredwell against the decision of Aylesbury Vale District Council.
 - The application Ref 19/03817/COUAR, dated 22 October 2019, was refused by notice dated 24 December 2019.
 - The development proposed is for the change of use of agricultural building to 2 dwellinghouses (Class C3), and for associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the Change of use of agricultural building to 2 Dwellinghouses (Class C3), and for associated operational development, in accordance with the application 19/03817/COUAR made on 22 October 2019, and the details submitted with it, pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 paragraphs Q(a) and Q(b) subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. During the course of the appeal, Aylesbury Vale District Council, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. Aylesbury Vale District Council is now called Buckinghamshire Council-Aylesbury area.
3. As there was no description of development on the application form I have extracted and shortened the description of development from that described on the appeal form as it is similar to the description of the decision notice.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would be granted planning permission 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; and

- Whether the location of the building makes it otherwise impractical or undesirable for residential use, having particular regard to the access track.

Reasons

Building operations reasonably necessary to convert the building

5. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of Q(a) 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) of the Schedule of the Use Classes Order, and Q(b) building operations reasonably necessary to convert the building.
6. 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.
7. The appeal building is single storey constructed from a mix of brickwork and stonework with a concrete floor. One end of the building is largely open with internal walls and brick pillars supporting the roof. Whilst the building shows signs of deterioration with some bowing roof trusses, sections of missing brickwork, stonework and roof coverings, it appears to be of a robust construction.
8. The appellant has produced a Structural Appraisal Report (SAR). Based on the evidence before me and my observations on the site visit the condition of the roof is in a reasonable overall condition. The proposal involves the installation of new rafters fixed to the existing purlins and a new slate roof. Whilst the entire roof would be replaced this is permitted under Q.1(i). Furthermore, some of the existing roof structures would be retained.
9. The brick and stonework walls are in a sturdy condition and will be retained, repointed and rebuilt in areas of particular deterioration. The existing concrete floor would be retained and whilst new walls would be constructed at one end of the building, following partial demolition, the external and internal walls and columns would be largely retained. Part of the southern section of the building would be demolished but this is not prohibited under the Order and it is reasonably necessary to achieve the floorspace and layout proposed.
10. The work permitted within Class Q includes replacement or new walls, doors, windows, roofs and utilities. In addition to the work to the brickwork and stonework the proposal includes a new tiled roof and new window and door openings. The works would not include such a significant level of new construction, demolition or new structural elements as to be so extensive that they would be beyond the normal understanding of conversion. In other words, it would not amount to a substantial re-build or fresh build. Subsequently, I find that the building is capable of conversion and sufficient information has

been provided to demonstrate that the proposed works would not exceed those that would be reasonably necessary to convert the building to residential use.

11. Therefore, the proposed building operations would not exceed those reasonably necessary to convert the building set out in Q.1(i).

Access track

12. There is no specific guidance on what constitutes 'impractical or undesirable' for the purposes of criterion (e) of Q.2, but the PPG provides some further information about considerations which might be relevant.
13. The PPG sets out that impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable". The example of a building on top of a hill with no road access, power source or other services is given as a case where conversion may be considered impractical.
14. The site is accessed by a single track leading off Brackley Road along the edge of a field. The section of the track leading to the neighbouring house, Snowball Farm, is laid out to a hard surface whereas beyond this point it is more informal but clearly defined and wide enough for a car. The track leads to a large area of hardstanding in front of the building.
15. Whilst the track is single width and uneven in places it is well defined and made up of a hard surface with a central grass section. In my view it is practical and suitable for daily use particularly as future occupants and delivery vehicles would only have to travel along it for a relatively short distance and in a largely straight line to reach the proposed development from the main road.
16. Whilst there may be a risk of degradation during adverse weather and irrespective of any works to upgrade it the condition of the access track is adequate and, in my view, does not indicate that the location of the building makes the conversion to residential use impractical or lead me to conclude that the proposal would not be sensible or unrealistic.
17. The Council have referred to 2 appeal decisions¹ which they consider relevant. However, they were in different locations and I have limited information about the circumstances of those cases.
18. For the above reasons, the proposal complies with the provisions of Q.2(1)(e) of the GPDO.

Conditions

19. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have considered the conditions suggested by the Council in light of the National Planning Policy Framework (the Framework) and the PPG. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
20. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary or reasonable to impose a separate time limit condition.

¹ Appeal reference: APP/Q4625/W/19/3224131 and APP/J0405/W/17/3170574

21. In the interests of highway safety it is necessary to impose a condition for the access to the main road, parking and turning areas and the passing bays along the track to be laid out in accordance with the submitted details.

Conclusion

22. For the reasons given above, the appeal is allowed and prior approval is granted.

B Thandi

INSPECTOR

Schedule of conditions

- 1) No dwelling shall be occupied until the access, parking and turning areas and passing places have been laid out and completed in accordance with Drawing Number PL402/2019/01. The areas shall thereafter be kept available at all times for those purposes for the lifetime of the development.