
Appeal Decision

Site visit made on 17 August 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/Z3825/W/20/3252859

Wychwood Farm, Brighton Road, Shermanbury, West Sussex RH13 8HE

- 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 Simon Hope against the decision of Horsham District Council.
 - The application Ref DC/19/2420, dated 29 November 2019, was refused by notice dated 30 January 2020.
 - The development proposed is described as prior approval for conversion of agricultural barn to a four bedroom dwelling.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. The application for prior approval was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO'). Class Q permits the change of use of an agricultural building to a dwellinghouse as well as building operations reasonably necessary to convert it, subject to the criteria set out within the legislation. In this case the proposal is for the conversion of an agricultural barn into a four bedroom dwelling.
3. In determining the application, the Council concluded that the proposal has already been commenced on the site and thus it cannot be considered under Class Q. The Council also concluded that the proposal would not comply with Paragraphs Q.1.(a) and Q.1.(i) of the GPDO.

Main Issue

4. In light of the above, the main issue is whether or not the proposal would be permitted development having regard to Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. The appeal site comprises an agricultural barn. It is a timber framed building and although open in part is mainly clad by corrugated sheeting and timber slats. At the time of my site visit, except for a telehandler machine, the barn was empty. I was able to see that the barn has a concrete floor approximately 0.3 metre lower than the surrounding ground level and low brick retaining walls around its perimeter. I also saw that there were three brown pipes,

- approximately 0.1 metre in diameter, protruding through the concrete floor of the barn; one just inside the eastern retaining wall and the other two just inside the retaining wall in the south east and south west corners of the barn.
6. I am aware that retrospective planning permission¹ was granted in January 2017 for the 'creation of retaining walls and repairs to existing barn, erection of two sheds and creation of hardstanding'. It has been put to me that only necessary maintenance works have been carried out to the barn and no works, including the installation of services, has ever been carried out in respect of a residential or potential residential use.
 7. However, I have not been presented with any compelling evidence to indicate that the aforementioned three brown pipes form part of works for which planning permission was granted in 2017. Based on my observations and the photographic evidence before me, they appear to have been installed at the same time as the hardstanding (the concrete floor of the barn). Furthermore, I have not been presented with any substantive evidence to indicate that they form part of any other maintenance works carried out to the barn.
 8. The submitted 'Proposed Floor Plan & Site Plan'² indicate that the proposal would include a WC, utility room and kitchen at ground floor level and two bathrooms at first floor level. The position of these rooms would approximately align with the location of the three brown pipes. Thus, taking into account their position and diameter, and as a matter of fact and degree, I consider that the three brown pipes that I saw protruding through the concrete floor of the barn would amount to domestic waste/soil drainage pipes. The fact that the drainage pipes are embedded within the concrete floor indicate that they are not intended to be temporary. Such permanent services, in the form of domestic waste/soil drainage pipes, would not be reasonably necessary or related to the agricultural building.
 9. Thus, for the above reasons, and as a matter of fact and degree, I conclude that the proposed conversion of the agricultural barn into a four bedroom dwelling has commenced. I acknowledge the appellant's point that in regard to a previous application for prior approval on the site, dismissed at appeal³, no concerns were raised by that Inspector that the development had already commenced. However, I have determined the appeal proposal based on what I saw at the time of my site visit and the evidence before me. So, although that Inspector did not raise this matter as a concern it does not alter my conclusion that the proposed conversion of the agricultural barn into a four bedroom dwelling has commenced.
 10. Paragraph Q.2.(1) of the GPDO states that where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Consequently, as the development has begun, the proposal cannot benefit from Class Q permitted development rights.

¹ Reference: DC/16/2070

² Drawing number: PL05A

³ Reference: APP/Z3825/W/17/3192392

11. In light of my finding above, it is not necessary for me to consider whether the proposal would comply with Paragraphs Q.1.(a) and Q.1.(i) of the GPDO.

Conclusion

12. For the reasons given above, I conclude that as the development has begun the proposal cannot be considered under Schedule 2, Part 3, Class Q of the GPDO. It is development for which an application for planning permission would be required. The appeal is therefore dismissed.

Andrew Bremford

INSPECTOR