



Appeal Decision

Site visit made on 28 October 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/D0840/W/20/3256813

Wotton Farm, Frenchmans Lane, Landrake PL12 5AA

- 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 (as amended).
 - The appeal is made by Mr K Tamblyn against the decision of Cornwall Council.
 - The application Ref PA20/03721, dated 1 May 2020, was refused by notice dated 24 June 2020.
 - The development proposed is described as change of use of an agricultural building to a dwelling at Wotton Farm, Landrake, Saltash.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of an agricultural building to a dwelling at Wotton Farm, Frenchmans Lane, Landrake PL12 5AA in accordance with the terms of the application Ref PA20/03721, dated 1 May 2020, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraphs Q(a) and Q(b). The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with paragraph Q.2(3) of the above Order, and subject to the following additional condition:
 - (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan (Drawing No 100-01 Rev A); Existing Plan and Section (Drawing 100-02); Existing Elevations (Drawing 100-03); and Proposed Elevations (Drawing No 100-04 Rev A).

Preliminary Matters

2. Although the description of development in the application form suggests that the application relates only to a change of use, it is clear from the appeal documents that the development includes both a change of use and building operations, as referred to in paragraphs Q(a) and Q(b) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I have determined the appeal on this basis.
3. After the Council issued its decision notice, the GPDO was amended to include the requirement under paragraph Q.2(1)(g) relating to the provision of adequate natural light in all habitable rooms of the dwellinghouse(s). However, the requirement only applies to prior approval applications made on or after 1

August 2020, which is not the case here. I have therefore determined the appeal on this basis.

Background and Main Issue

4. The GPDO grants planning permission for certain forms of development, including the change of use of agricultural buildings to dwellinghouses, provided that certain conditions, limitations and restrictions are complied with.
5. Paragraph Q.2 of Schedule 2, Part 3 of the GPDO sets out that where the development proposed is under Class Q(a) together with development under Class Q(b), development is permitted subject to an application to the local planning authority for a determination as to whether their prior approval is required in relation to the matters set out in paragraphs Q.2(1). The evidence before me indicates that the Council do not consider that their prior approval is required in relation to these matters. On the basis of the submitted evidence and from my site visit observations, I have no reason to disagree.
6. The Council considers that the development accords with the requirements set out in paragraph Q.1 of Schedule 2, Part 3, Class Q of the GPDO with the exception of Q.1(i). There is no contrary evidence before me with respect to the requirements under (a) to (h) and (j) to (m) of paragraph Q.1. Accordingly, the main issue in this case is whether the proposal would comply with the permitted development criteria set out at Class Q.1(i) of the GPDO.

Reasons

7. Partly set into the appeal site, the existing steel portal framed agricultural barn is a solid and substantial building. It contains a part hard-surfaced floor and its solid walls and roof are in reasonably good condition with no notable or significant defects. The roof and upper parts of the walls are clad in profiled sheeting supported by timber rails. The lower sections of wall consist of substantial solid-blockwork masonry walls and piers. The barn is fully enclosed on three sides, with its northern elevation – one of the building's shorter sides – containing an opening beneath an upper section of profiled sheeting.
8. The development would involve various building operations, including infilling of the opening beneath the existing sheeting in the northern elevation with a combination of glazed fenestration and similar sheet cladding and blockwork. Amongst other aspects, windows and a door would also be installed in the southern and eastern elevations and rooflights and sun tubes in the roof. The appellant's Structural Inspection report recommends that the existing steelwork, which would be retained, is cleaned and treated with a protective coating. As detailed on the proposed elevations, the existing roof sheeting and wall cladding and blockwork would remain, with any damaged sheeting being replaced. Amongst other things, the structural report also indicates that the walls would be internally lined with insulated timber studwork.
9. Part Q(b) of Class Q allows building operations reasonably necessary to convert the building to a dwelling house. Paragraph Q.1(i) advises that such works are limited to (i) the installation or replacement of (aa) windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwelling house and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

10. The Planning Practice Guidance (PPG) advises at paragraph 105 that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It also clarifies that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It therefore states that it is only when the existing building is already suitable for conversion that it would be considered to have the permitted development right.
11. No guidance is provided as to what 'reasonably necessary' may mean. However, development is only permitted under Class Q 'to convert the building' and it seems to me that this means the building needs to be sufficiently structurally sound and substantially built to be capable of accommodating the works proposed without needing to be rebuilt. The building operations required should therefore not be so extensive so as to amount to rebuilding or new build. The difference between conversions and rebuilding is discussed in the case of *Hibbitt vs Secretary of State for Communities and Local Government*¹, to which I have had regard. However, unlike the building in the Hibbitt case, to which my attention has been drawn, the building the subject of the appeal proposal is enclosed on three sides, only contains an opening in one of its shorter elevations, and cannot reasonably be considered a skeletal structure.
12. The submitted evidence, including the Structural Inspection report, indicates that the building's existing structure and foundations are sound and would be sufficient to support the proposed conversion, including the infilling of the northern elevation, which would be supported by the existing portal frame and foundations. I see no reason to doubt the findings of the structural report and find that it provides sufficient detail in terms of structural matters.
13. Although the proposed conversion would involve various building operations, these are permitted under Class Q.1(i)(i) to the extent that they are reasonably necessary to allow the conversion of the building to function as a dwelling house. From the evidence before me and from my observations on my site visit, it seems to me that the existing building is clearly sufficiently substantial to be capable of accommodating the proposed works. The existing structure, roof and walls would also remain, with the proposed elevations clearly showing a building similar to the existing rather than an entirely new building.
14. The Council raises concerns regarding the proposed cleaning and treatment of the steelwork structure and replacement of any damaged sheeting, and my attention has been drawn to one corner of the building where the sheeting appears to be somewhat damaged. However, it seems to me that such work could be done without needing to remove the entirety of the building's roof and wall sheeting, which does not appear to be particularly flimsy or damaged. The evidence before me does not indicate that such cleaning, painting and replacing of existing elements could not be undertaken as part of the building's normal maintenance regime in any event. Although various internal works would clearly also be required, including laying a suitable floor, such works are generally not classed as development which require planning permission. As set out in the PPG, such works are also not prohibited by Class Q, and it seems to me that the internal works would in this case not involve considerable structural works.

¹ [2016] EWHC 2853 (Admin).

15. Given the building's structure and substantial form, the proposed building operations could not be reasonably described as starting afresh or excessive, and collectively would not be so extensive so as to amount to a complete or substantial re-build or new build. Accordingly, I am satisfied that the appeal proposal would involve building operations to the extent reasonably necessary for the building to function as a dwellinghouse.
16. My attention has been drawn to various appeal decisions involving proposed Class Q conversions of agricultural buildings to dwellinghouses. All those cases are noted, however the details before me indicate that the circumstances of each are sufficiently at variance to be not particularly comparable to the appeal proposal. For example, the appeal at Barton Hill Farm involved the insertion of a timber framed structure requiring its own foundation, the appeal at the Oaks involved the proposed removal of all of the building's cladding with the only remaining element being its steel framework, and the proposed infilling of the buildings' openings at West Ditchen and Pumpfields Farm are notably more extensive. Accordingly, I have judged this appeal proposal on its own merits.
17. For the above reasons, I conclude that the building operations would be reasonably necessary for the building to function as a dwellinghouse. Consequently, I find that the proposal would comply with the permitted development criteria set out at Class Q.1(i) of the GPDO.

Conclusion and Conditions

18. For the above reasons, I conclude that the appeal should be allowed and prior approval is deemed to be granted.
1. Any planning permission granted for the change of use of agricultural buildings to dwellinghouses under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. Paragraph W(13) of Part 3 of Schedule 2 of the GPDO allows the granting of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. In the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. However, given the detail contained in the proposed elevations (Drawing No 100-04 Rev A) which is listed within the approved plans, the condition suggested by the Council requiring the submission of details of the proposed external materials is not necessary. I have therefore declined to impose it.

T Gethin

INSPECTOR