The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/W4705/W/20/3258469
Bloody Row, Green Lane, Queensbury, Bradford.

- 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 R Hall against the decision of City of Bradford Metropolitan District Council.
- The application Ref 20/02837/PAR, dated 10 July 2020, was refused by notice dated 27 August 2020.
- The development proposed is change of use of agricultural building and land to residential use (C3) - one dwelling.

Decision

1. The appeal is dismissed.

Main Issue

2. 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) (GPDO), having regard to the requirements of Paragraphs Q(b) and Q.1(i) in relation to works reasonably necessary for the building to function as a dwellinghouse.

Reasons

3. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling houses). Paragraph Q.(b) states that the building operations reasonably necessary to convert the building to a dwellinghouse use would be permitted development. Whilst Paragraph Q.1 outlines the circumstances where development would not be permitted by Class Q.

4. The parties disagree over whether the proposal complies with Paragraph Q.1.(i) which places restrictions on the building operations which can be undertaken. The paragraph states that development is not permitted if it would consist of building operations other than: (i) the installation or replacement of — (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations allowed.

5. The Planning Practice Guidance (PPG) provides further clarification in this regard[1]. It explains 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. 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. Further, it has been established that for the permitted development rights under Class Q.(b) to apply, the building must be capable of conversion to residential use without operations that would amount to a rebuild of the existing structure or a 'fresh build'.

6. The Council considers that the agricultural building would not be structurally strong enough to take the loading required to support the proposed external works. The appellant asserts that the development does not include any building operations other than part demolition and the installing of windows, doors, exterior walls and roofs, and utilities.

7. I saw at my site visit that the existing agricultural building is constructed of blockwork, timber and metal sheet walls with a largely metal sheet roof supported on a steel frame. The structure has a concrete floor. The building was in use as a livestock building with no obvious internal structural partitions. There is no structural report which would provide evidence of the condition of the existing steel frame. The drawings indicate that all the exterior cladding would be replaced to both roof and walls and a first floor would be installed, but there is limited specific information on the drawings that provide evidence of how the existing structure would be used to facilitate the conversion. The drawings do not provide any evidence of the load bearing capacity of the existing steel frame.

8. I acknowledge that the proposed works shown on the drawings are among those specified in the GPDO. However, based on the evidence submitted and my own observations on site, the building appears to require significant works in order to facilitate its conversion to a dwelling. Taking into account the extent of new material proposed to the walls and roof and, in the absence of any evidence of the condition and loading capacity of the steel frame, I consider that the proposed works to the building to accommodate a dwelling would be cumulatively so extensive that they would be more akin to a rebuild than a conversion of the existing building.

9. In terms of paragraph Q.1.(h), I saw at my site visit that the steel frame of the agricultural building is visible externally with the existing blockwork constructed between the steel frame. It is unclear from the drawings how the proposed stonework would be constructed without extending beyond the external dimensions of the existing structure. However, given my conclusion above I have not found it necessary to consider this matter further.

10. Overall, I conclude that the proposal would not comply with the limitations and restrictions specified as being applicable to the proposed development. As such, it could not benefit from deemed permission under Class Q.

[1] Paragraph: 105 Reference ID: 13-105-20180615

Other Matters

11. The appellant refers to an application at School Cote Farm, Brow Lane Holmfield in relation to whether demolition works are partial rather than substantial. However, I have limited information of the circumstances of that decision. In any case, I have determined the appeal based on the evidence before me and on its own merits.

Conclusion

12. For the reasons given above, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. It is development for which an application for planning permission would be required.

13. The appeal is therefore dismissed.

Diane Cragg

INSPECTOR