



Appeal Decision

Site Visit made on 16 December 2020

By M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/F1040/W/20/3259172

Rectory Farm, Chellaston Lane, Aston on Trent, Derby DE72 2AX

- 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 I Armett against the decision of South Derbyshire District Council.
 - The application Ref DMPN/2020/0535, dated 15 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is prior approval for change of use of agricultural building to two dwellings (Use Class C3) and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form did not include a description of the proposal, referring only to a supporting statement. I have therefore used the description given on the Council's decision notice and the appeal form.

Background and Main Issue

3. Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) 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 of the Use Classes Order (UCO); and building operations reasonably necessary to convert the building to a use falling within Class C3 of the UCO.
4. Q.1(i) of the GPDO states development is not permitted if the development under Class Q (b) 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 building operations allowed by paragraph Q.1(i)(i).
5. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an

agricultural building to two dwellinghouses (Use Class C3), having particular regard to the requirements under Class Q.1 (i).

Reasons

6. The agricultural building to which this appeal relates is a pitched roofed portal framed building with a mono-pitched lean-to projection. It has a steel frame with concrete block walls to the lower parts of the side elevations. The upper sections of the walls and the roof include corrugated metal cladding and asbestos/fibre cement sheeting. The building has a concrete floor. The existing building is substantially enclosed and only open to the front elevation.
7. Paragraph 105 of the Planning Practice Guidance (PPG) sets out the building works permitted under Class Q to facilitate a change of use from an agricultural building to a residential use. It confirms the right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building. This includes amongst other things the installation of windows, doors, roofs and exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse.
8. The partial demolition of the southern section of the building, the re-cladding of the roof in aluminium, the re-cladding of walls with timber boarding, the provision of aluminium window frames and doors and the installation of a damp membrane over the existing floor with connection to services would not on their own constitute building operations that fall outside the scope of Class Q.1 (i). However, the 'Building Condition Survey' provided confirms that only a visual inspection was undertaken and that "*no investigation has been made of the subsoils or footings and therefore no opinion can be expressed regarding the ability of the foundations to continue to support the buildings*".
9. I do not consider the survey undertaken is robust enough. Indeed, I would have expected it to include a more detailed investigation of the footings to establish the long-term structural integrity of the building. Furthermore, there are no structural calculations to demonstrate that the footings and existing steel frame would be capable of accommodating the loading of the proposed walls, glazing and roof coverings. Without these details, I cannot be certain that building operations which would go beyond those considered reasonably necessary for the building to function as a dwellinghouse would not be required.
10. The appellant contends that whilst the excavation and installation of new foundations is not specified under the building operations permitted under Class Q.1 (i), such works would not constitute development under the definitions in s55 of the Town and Country Planning Act 1990 (the Act). However, for the reasons detailed above, the extent of any interventions that might be necessary to ensure that the building is structural capable of supporting the residential use is unknown. Without detailed evidence, I am not persuaded that 'structural alterations' which would constitute a building operation under the definition of 'development' under s55 of the Act, would not be required.

11. I conclude that I cannot be satisfied that the building operations proposed would not go beyond those listed in Q.1(i) of the GPDO. I am therefore not satisfied that the proposal is permitted development and must dismiss the appeal.

Other Matters

12. As I have found that there is insufficient information provided to demonstrate that the proposal would be development permitted by the GPDO, the detailed prior approval matters under Q.2 (1) of the GPDO do not fall to be considered as part of the determination of this appeal.

Conclusion

13. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR