
Appeal Decision

Site visit made on 5 January 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/P1615/W/20/3260868
54 The Scarr, Newent GL18 1DQ

- 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 Dean Fletcher against the decision of Forest of Dean District Council.
 - The application Ref P1091/20/PQ3PA, dated 20 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is conversion of outbuilding to domestic property.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would be permitted development (PD) under schedule 2, Part 3, Class Q(a) of the GPDO.

Reasons

3. For the proposal to be PD under Part 3, Class Q of the GPDO 2015 (as amended), the site must have been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or the building must have been in such use when last in use, or the site must have been in such use for at least ten years if brought into use after the specified date.
4. The site is within the clearly demarcated boundaries of 54 The Scarr and appears to be part of its garden. There is no evidence of any agricultural activity and judging from the interior, the building seems to have been used as domestic storage.
5. The official copy of the title transfer of the land is dated 9 August 2013 but contains no information on the use. In any event this post-dates 20 March 2013 and evidently has not been in agricultural use for 10 years from purchase. The submitted information, including the application form, do not confirm the building was solely used for agriculture. The appellant's statement does not provide any information to counter the Council's decision.
6. Criterion (g) of Class Q precludes development which would result in the external dimensions of the building extending beyond those of the existing at

- any given point. However, the drawings clearly show that the lean-to roof would be increased in height which would contravene (g).
7. The proposal would involve the replacement of the roof, which complies with criterion (i). The Council suggest that the new roof covering would need insulation to make the dwelling habitable, which would be likely to be higher than the existing corrugated sheeting, thereby contravening the aforementioned limitations of criterion (g). Similarly, the timber clad existing walls would be faced with blockwork, which could be wider than the existing walls. However, the proposed drawings do not indicate any such increases but in any event, this does not lead me to a different conclusion.
 8. The interpretation of Part 3 is provided at X, whereby the curtilage is limited to an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building. However, the red line of the application site substantially extends beyond the building, which would be in conflict with this provision.
 9. I therefore conclude that, against several criteria, the proposal does not meet the requirements of Class Q.
 10. I have been made aware of buildings which have been allowed for conversion in the vicinity. Whilst this may well be the case, the interpretation of Class Q is dependent upon specific and detailed criteria, and the merits (or otherwise) of the conversion are not pertinent. I note the lack of objections has been highlighted, but that does not override the requirements of the GPDO. Similarly, the relationship with the host property and surrounding properties is appreciated but does not resolve the requirements under Class Q. There is also concern about the requirement for the submission of surface water details but that is not a matter before me.

Conclusion

11. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR