



Appeal Decision

Site visit made on 15 December 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 8 February 2021

Appeal Ref: APP/Y3940/W/20/3259321

Agricultural Barn, Curnick's Lane, Sells Green, Seend, Devizes, Wiltshire, SN12 6RS

- 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, Schedule 2, Part 3, Class Q of the Town Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Allan Drewett against the decision of Wiltshire Council.
 - The application Ref 20/04042/PNCOU, dated 11 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is a change of use of agricultural barn to a dwellinghouse (Use Class C3) and for associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for a change of use of agricultural barn to a dwellinghouse (Use Class C3) and for associated operational development at Curnick's Lane, Sells Green, Seend, Devizes, Wiltshire, SN12 6RS in accordance with the terms of the application Ref 20/04042/PNCOU, dated 11 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans:
 - Existing Location Plan (BEN 0001)
 - Existing Block Plan (BEN 0002)
 - Existing Photograph Plan (BEN 0005)
 - Proposed Block Plan (1:1000) (BEN 0015), 28 November 2019
 - Proposed Block Plan (1:200) (BEN 0020), 28 November 2019
 - Proposed Barn Conversion (elevations and plan) (PG0001), 11 May 2020
 - Existing Barn (elevations and plan) (PG0005), March 2017
 - Proposed internal non-structural B Reg compliant works (PG 0025), 4 August 2020
 - 2) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the

local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Procedural matters

2. The application form does not contain a succinct description of development. However, it is clear from the information submitted that the development proposed is the change of use of an agricultural building to a dwellinghouse, with associated operational development. I have therefore used the description employed by the Council's decision notice.

Main issue

3. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), and if so whether prior approval is required and should be granted.

Reasons

4. The large, rectangular barn that forms the appeal site is one of 3 modern barns around a central yard. The group is surrounded by fields and accessed via an unmade, single-track lane, which also acts as a public bridleway.
5. The steel framed barn is open on the long side that faces the yard and is surrounded by uninterrupted walls on the other 3 sides. The bottom third of the walls is constructed from concrete blocks, with timber cladding above. The roof comprises cement-based panels, and the floor and apron are concrete slab. The barn was probably built before 2006 and the Council has proceeded on the basis that it was part of an established agricultural unit on 20 March 2013. I see no reason to disagree with this.
6. It is proposed to convert the barn into a 2-bedroom house of approximately 223 m² with space for parking to the front and a small outdoor area within the curtilage to the rear. A matching wall would be constructed along the front and full height windows in the style of 'threshing barn doors' would be inserted centrally on both long sides. In addition, 3 small windows would be inserted at ground level. Ceilings and internal walls would be supported by the steel frame and a new, internal timber frame, and the building insulated. The appellant has submitted a structural report¹ to demonstrate that the existing portal frame can support a residential dwelling.
7. I do not consider the proposal to be a 'fresh build' as held in *Hibbitt v SSCLG* [2016] EWHC 2853 because the barn is capable of conversion to residential use without operations that would amount to substantial re-building of the structure. With the exception of one wall, no external structural changes are required, and the development would almost entirely rely upon the existing building. I am satisfied that the barn is capable of functioning as a dwelling and therefore meets the requirements of the Planning Practice Guidance² (PPG).
8. The question is therefore whether the building operations would be 'reasonably necessary' to convert the building to a dwellinghouse. The GPDO allows for installation of windows, doors and exterior walls. I consider the new wall and windows necessary to convert the barn to a dwellinghouse. It is not explained

¹ Structural Calculation Report, Revision A (8378ARG), *Structural Solutions*, 29 April 2020

² Paragraph: 105 Reference ID: 13-105-20180615, revised 15 June 2018

why insertion of 2 full length windows is required. However, given the necessity in the regulations for adequate natural light, I do not consider the proposal unreasonable. I am also mindful that the test requires that operations should be 'reasonably' necessary, as opposed to 'absolutely' necessary. I am satisfied that the fenestration would not be excessive and meets the test of 'reasonably' necessary.

9. The Council has brought several appeals to my attention^{3,4,5}, all of which are in Wiltshire. In all these cases, extensive works to change the use of agricultural buildings were required, including new roofs, and new or replacement walls. When taken as a whole, these all went beyond conversion and required a 'fresh' build or re-build, which is not comparable to the site before me. I note that the Council included these to illustrate the principles applicable to the appeal, but I do not consider that these are in dispute.
10. For the reasons above, I conclude that the proposal would be permitted development under Schedule 2, Part 3, Class Q(a) and Class Q(b) of the GPDO.

Prior approval

11. The Council has raised concerns in respect of 3 matters for prior approval: location; appearance of the building; and transport.
12. The GPDO requires consideration of whether the location of the building makes it impractical or undesirable for change to a dwellinghouse. The Council states that the level of amenity to be enjoyed by future occupants is unclear given that the surrounding land remains in agricultural use, but no specific concerns are raised. During the site visit I observed that the remaining barns were largely unused and the surrounding land is open fields. I did not identify any unpalatable activities such as silage storage nearby, nor does it appear likely that there would be an intolerable number of vehicle movements associated with the wider site. I conclude that prior approval is not required in this respect.
13. To some extent, a change from agricultural to residential character and appearance is an inevitable consequence of the GPDO and government policy, and I therefore consider that it is a matter of degree. The introduction of a full-length window to the rear of the dwellinghouse would cause the building to appear more domestic in character when viewed from the bridleway. However, the design references threshing barn doors, which is at least in keeping with an agricultural theme. The rear of the barn was largely screened by a hedgerow and trees, even during the winter, which also lessens the impact. There may be some domestication of the area through introduction of 2 parking spaces and domestic paraphernalia to the rear of the building, but this would be of minor effect when viewed from the public domain. I conclude that the building would clearly read as an agricultural barn, albeit one that is now used for residential purposes, and prior approval for matters relating to appearance is not required.
14. The Council's concerns regarding transport arise from the potential cumulative impact with the wider site, and the capacity of the single-track road to cope with this. It is noteworthy that the Highway Officer considers a single dwelling comparable with the original agricultural use and has not raised any objection.

³ APP/Y3940/W/19/3221626 (12 August 2019)

⁴ APP/Y3940/W/18/3197750 (10 September 2018)

⁵ APP/Y3940/W/17/3181831 (9 February 2018)

In the absence of evidence to the contrary, I consider this to be a reasonable conclusion and prior approval is not required.

15. For the reasons above, I conclude that prior approval is not required.

Other matters

16. Third parties, including the Parish Council, have questioned whether the appellant has the right to vehicular access along Curnick's Lane. This does not form part of the application before me and I have therefore not considered it further.

17. The Council has drawn my attention to the installation of concrete pad foundations on the wider site, probably installed in conjunction with a new barn approved in 2010⁶ under Part 6 of the GPDO. Development the subject of this appeal would not be allowed if development under Part 6 had been carried out on the established agricultural unit since 20 March 2013. However, the permitted works had to be carried out within a period of 5 years from the date on which approval was given or the information received. I am satisfied that the works were not carried out and that the permission has lapsed.

Conditions and conclusion

18. The Council has requested that 3 conditions be imposed. The GPDO requires that development must be completed within a period of 3 years and I have therefore not imposed this condition. Paragraph W(12)(b) requires that development must be carried out in accordance with the details provided in the application, but I have listed the plans in the interests of certainty.

19. Environmental Health states that previous uses of the site are unknown and therefore a 'precautionary' condition is required to protect human health. The appellant has not provided evidence regarding previous uses of the site to demonstrate that this is unnecessary and for this reason I have included it. I have amended the wording in the interests of precision and clarity, and in order to comply with advice in the PPG.

20. I have found that the proposed works would be permitted development under Schedule 2, Part 3, Class Q of the GPDO. I have not found that prior approval is required for any of the criteria listed in part Q.2. For these reasons, I conclude that the appeal should be allowed.

B Davies

INSPECTOR

⁶ E/10/0870/AGD (4 August 2010)