



Appeal Decision

Site visit made on 17 February 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/P1805/W/20/3260789

Brake Mill Barn, Brake Mill, Hagley DY8 2XY

- 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 Andrew Taylor against the decision of Bromsgrove District Council.
 - The application Ref 20/00870/CUPRIO, dated 25 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is change of use of agricultural building to 1 larger dwelling (use class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would constitute permitted development as defined in Class Q, Part 3 of Schedule 2 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Class Q permits the change of a building and land within its curtilage from an agricultural use to a dwelling as well as operations reasonably necessary to convert the building. However, sub-paragraph Q.1 (i) states permission is not granted if the development would consist of building works other than the installation or replacement of exterior walls to the extent reasonably necessary for the building to function as a dwelling. Also, only partial demolition to the extent reasonably necessary to carry out the building operations is allowed.
4. The proposal includes the removal of wall cladding from the 2 sides, the rear and part of the front of the building as well as roof sheets. New cladding to the walls and roof would be installed onto the building's steel frame which would be retained.
5. Prior approval has already been granted for the change of use of the property to a dwelling with associated building operations as required under Class Q. Under this previous scheme, most of the existing wall cladding would be retained, cleaned and treated. The appellant states that new wall cladding

- would be more aesthetically appropriate for a dwelling, although it is accepted that the existing is suitable for retention.
6. Irrespective of the merits in terms of appearance, the appellant's statement indicates the replacement wall cladding is a preference rather than a requirement to allow the proposed change of use. There is no reason for me to arrive at a different view on this matter. Consequently, the proposal would include a level of wall demolition and installation that goes beyond that which is reasonably necessary for the building to function as a residence. Accordingly, such works and the proposal as a whole would not be permitted under Class Q as they would be contrary to the provisions of paragraphs Q.(b) and Q.1(i).
 7. Moreover, the Planning Practice Guidance¹ explains that it is not the intention of Class Q permitted development rights to allow rebuilding works which go beyond that reasonably necessary for the conversion of a building to residential use. A rebuild would not necessarily follow total demolition but it is instead a test of substance and planning judgement. While the steel frame is structurally sound, the works to strip back to the skeletal elements of the building and the installation of new cladding on all the walls and roof would be of such a magnitude that the scheme would amount to rebuild rather than a conversion.
 8. The appellant refers to a number of other decisions where the extent of building works has been found to accord with Class Q. With at least some of these other schemes, elements of wall and roof cladding would be retained and so these are not directly comparable to the appeal proposal. Also, there is no indication whether these other examples include replacement of existing cladding that could be retained such as in this case. As such, these other examples do not affect my conclusion in respect of this development. Moreover, there is no reason why the appellant's concerns over the Council's handling of the application should affect an assessment as to whether the scheme would comply with Class Q.
 9. For the above reasons, I conclude that the proposal would not constitute permitted development as defined by Class Q of the GPDO. Given this conclusion, there is no need for me to consider whether or not prior approval would be required in respect of the design and external appearance of the building as it would not alter the outcome of the appeal.

Conclusion

10. For the above reasons the appeal is dismissed.

Jonathan Edwards

INSPECTOR

¹ Paragraph: 105 Reference ID: 13-105-20180615, revision date 15 June 2018