



Appeal Decision

Site Visit made on 23 February 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/H1840/W/20/3262250

Mayfield House, Uphampton Lane, Ombersley WR9 0JW

- 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 and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Julia Humphries against the decision of Wychavon District Council.
- The application Ref 20/01500/GPDQ, dated 15 July 2020, was refused by notice dated 10 September 2020.
- The development proposed is notification of Prior Approval for the proposed change of use of an agricultural building to dwellinghouse and associated operational development.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form. It adequately and simply describes it instead of the much longer and detailed description given on the application form.

Main Issue

3. The main issue is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with particular regard to Paragraph Q.1.(i).

Reasons

4. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order, and Q(b) building operations reasonably necessary to convert the building.
5. The Planning Practice Guidance (PPG)¹ recognises that for a building to function as a dwelling some building operations will be necessary and should be permitted. Those rights include the installation or replacement of windows, doors, roofs, exterior walls and services. Despite there being no distinction between structural and non-structural works under Class Q of the GPDO or in the PPG, the PPG is clear that it is not the intention to allow rebuilding work

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

- 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.
6. The appeal building is formed of masonry dado walls and corrugated wall sheeting. The building has a concrete floor with a slender steel frame. The roof has a shallow pitch made from metal profiled sheets supported by hot rolled steel angles and purlins sitting on the steel frame.
 7. The appellant has produced a visual inspection report of the building. Whilst the report sets out that the steel frame is suitable for incorporation into a dwelling, it also states that remedial works are required due to the limited design load capacity of the structure. These works include horizontal and vertical bracing, enlarged purlins and longitudinal struts as the current loading of the frame has been exceeded and are required to reduce the potential for out of plane buckling resulting from new wall and roof materials.
 8. Whilst further investigative work may well establish the nature of the foundations and ground conditions, based on the evidence before me, I am not satisfied that the slender steel frame is capable of supporting the building operations proposed without new structural elements. In my view, the existing structure is not capable of supporting the building operations proposed without significant works to improve its structural integrity. Therefore, I find that the existing building is not already suitable for conversion to residential use.
 9. Whilst some internal alterations are exempt from the definition of development under Section 55(2) of the Town and Country Planning Act 1990, this applies to works of maintenance, improvement or other alteration of any building of works which affect only the interior of the building. In my view the works proposed are more akin to a rebuild when considering the extensive new structural elements required.
 10. As a matter of planning judgement and based on the evidence before me, I find that the alterations required to make the building suitable for conversion would go beyond works reasonably necessary to convert the building and would not meet the requirements of Q(b) and Q.1(i).

Conclusion

11. For the reasons set out above I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO.
12. The appeal, therefore, does not succeed.

B Thandi

INSPECTOR