



Appeal Decision

Site visit made on 12 February 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/D1265/W/20/3262997

Moor Court Farm, Moorside, Marnhull DT10 1HH

- 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 (GPDO).
 - The appeal is made by Ms A Kington against the decision of Dorset Council.
 - The application Ref 2/2020/1197/ADGWPA, dated 25 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is change of use and conversion of 1 No. agricultural barn to 1 No. dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal under Class Q.1.(i) would consist of building operations that exceed those permitted as reasonably necessary for the building to function as a dwellinghouse.

Reasons

3. Class Q 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 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building.
4. Paragraph Q.1.(i) places restrictions on the reasonably necessary building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.
5. The Planning Practice Guidance (PPG)¹ advises that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is only where the existing building is already suitable for conversion that the building would be considered to have the permitted development right. Whether or not the proposed works go beyond the scope of a conversion will require an element of planning judgement.

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

6. The appeal relates to a 'Dutch' barn with an open elevation. A section of the roof is curved and the adjoining section is monopitch; both sections are formed from metal sheeting. The same material is also used to form areas of the walls with the remainder formed from sections of spaced timber boarding. It has one entirely open elevation and some other deliberately open sections. The overall arrangement could be described as haphazard and, to an extent, dilapidated.
7. The works would provide a dwelling with four bedrooms and large open plan kitchen/dining space. Despite the height of the building, the ceiling would be set much lower within the building and all accommodation would be on a single storey.
8. The works to adapt the building for habitable use would necessitate the creation of walls (dwarf blockwork wall with timber frame upper wall sections), a ceiling and a floor; all of which would need insulating. There would need to be new openings created within the existing sides and provided within the new elevation.
9. At present, the crude structure provides a degree of shelter. But it is fully open on one side, has large numbers of deliberate gaps in between the existing patchy sides and other gaps which have formed where the metal sheeting has buckled. At the time of my visit, during particularly high winds, the structure was particularly susceptible to movement and was noisy. Notwithstanding the conclusions of the submitted 'Structural Condition Report' which is absent of detail about the specific need for any bracing, in my view, the existing building appears too insubstantial to be suitable for conversion. In this sense, it differs significantly from the farm buildings to which it lies adjacent.
10. The proposal would involve the retention of the existing steel frames and the existing external wall and roof materials. However, the construction of block and timber framed walls within the envelope provided by the frames, the provision of a roof, internal walls, floor, and all other necessary elements would combine to go well beyond works reasonably necessary to constitute a conversion. The works would be tantamount to creating a building from the inside out, and the retention of the existing external sheeting and timber would be neither structurally nor aesthetically beneficial.
11. I have considered the other cases put forward by the appellant which are alleged to be most alike the appeal building on the basis of the partial information provided in relation thereto. In the more recently approved cases², the evidence details that no new floors or structural elements were required and they were considered structurally sound enough to take the loading which would come with the external works proposed. In the case of another more recent case³, that was found to have at least 2.5 solid walls provided by an adjoining barn to be retained. Whilst it is difficult to precisely determine how the cases differ, it is clear that a planning judgement is required on a case-by-case basis and I am not bound by the earlier decisions of the Council.
12. In addition, I have been referred to the Hibbitt⁴ High Court judgement. I do not disagree with the judgement in that it accepts that some conversions could involve substantial works, but that it presupposes that those works comprise

² Ref 2/2020/0027/AGDWPA

³ Ref 2/2020/0475/AGDWPA

⁴ [Hibbitt and another v Secretary of State for Communities and Local Government and another \[2016\] EWHC 2853 \(Admin\)](#)

'conversion'. In this instance, the elements of the building that are actually integral to the conversion and the extent of works necessary to create a habitable building also point more towards the repurposing of an existing minimalist structure, rather than a true conversion of an existing building.

13. Accordingly, for the reasons set out above, this proposal would not meet the criteria set out in relation to Class Q.1(i) and is not permitted development.

Other Matters

14. I note that there does not appear to be any dispute between the parties in respect of other matters under Class Q.1. (a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l) or (m), or with regard to matters outlined in Q2.1 (a) to (f), subject to conditions if necessary. However, this does not alter my view on the main issue.

Conclusion

15. The proposal would consist of building operations that go beyond those reasonably necessary for the building to function as a dwellinghouse, and therefore conflicts with Class Q.1(i) of the GPDO. Therefore, the proposal is not permitted development but one for which an application for planning permission is required.
16. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR