



Appeal Decision

Site visit made on 24 February 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/Y1138/W/20/3261113

Dovers Linhay, Cheriton Fitzpaine, Crediton EX17 4BQ

- 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.
 - The appeal is made by Mrs Helen Grigg against the decision of Mid Devon District Council.
 - The application Ref 20/00601/PNCOU, dated 17 April 2020, was refused by notice dated 24 July 2020.
 - The development proposed is described as to '*convert the existing building into habitable living accommodation and no building operations, other than those outlined above, will be required*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendments and Consequential Provisions) (England) Order 2015 (the GPDO).

Reasons

3. Class Q of the GPDO allows for partial demolition and the installation or replacement of windows, doors, roofs or external walls. However, pursuant to Paragraph Q (b), this is predicated on the presupposition that the totality of the operations would be reasonably necessary to 'convert' the building.
4. Case law¹ (Hibbit) established that if works were to go beyond a 'conversion' the proposal would fall beyond the permitted development right. The Planning Practice Guidance also states that it is not the intention of Class Q to allow rebuild work beyond that which is reasonably necessary for the conversion to residential use. This is a matter of planning judgment, grounded in fact and degree in each case, and goes beyond the need or otherwise for new elements to provide load bearing support.
5. The site comprises part of a large steel portal framed and concrete floored agricultural building. It has an open front and an access to the side. Whilst there are lengths of blockwork, its predominant wall material is primitively placed, gapped timber boarding, which has been damaged or lost in places. Its roof also has open areas, such as a ventilated ridge. Consequently, whilst I

¹ Hibbit & Anor v Secretary of State for Communities & Local Government & Ors [2016] EWHC 2853 (Admin)

- have no reason to doubt that the portal frame and the concrete floor are robust elements of the building, it maintains a somewhat insubstantial appearance and is far from watertight.
6. External walling would be required in the location of the large section of the structure that would be demolished. Given also the need for walls to infill the existing openings, a significant part of the dwelling would be wholly new. I recognise that partial demolition is in and of itself allowable under Class Q and invariably creates the requirement for new external walls. Nonetheless, such work must be assessed within the totality of that proposed in each case.
 7. Although it is suggested that the existing timber boarding could be overhauled and repaired, its observably poor condition creates doubt in my mind as to the extent that would be retainable in practice. Even if it was largely reused, it would be necessary for it to be accompanied by a new infilling material. As such, significant structural alterations are required across the elevations even where fabric would be retained, in order to solidify these external walls.
 8. In any case, the multiple openings proposed within the dwelling would significantly reduce the amount of existing fabric that would remain. This is in addition to the extra covering needed to close the gaps in the roof. When these factors are combined with the internal works proposed, it is my view that the proposal would be carried out with limited assistance from the current building.
 9. I recognise that the range of works set out within Class Q can, in some cases, result in quite extensive conversion schemes. However, taken together, the nature and extent of the proposed building operations here would be of such magnitude as to qualify as a rebuild in my opinion. This places the proposal beyond the scope of Class Q of the GPDO.
 10. The adjacent agricultural structure has extant approval for conversion under Class Q². Detailed drawings of the conversion scheme have not been provided so it is not possible to make a fully informed comparison of the work involved. Whilst there are similarities between that building and that within the appeal site, I understand that the former is also more substantial, given its extent of concrete block walling across all four of its elevations of what would become the dwelling. As my assessment is a test of the appeal scheme against the GPDO, I am not beholden to the Council's decision at the adjacent site in any event. For these reasons, it has had very little influence upon my reasoning.

Conclusion

11. The proposal would exceed the overarching requirements of Paragraph Q (b) of the GPDO. For the reasons set out above, and taking all other matters raised into account, I conclude that the proposal would not be permitted development under the provisions of Class Q and the appeal should be dismissed.

Matthew Jones

INSPECTOR

² Ref 20/00602/PNCOU