



Appeal Decision

Site visit made on 13 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2021

Appeal Ref: APP/F3545/W/20/3262734

Barn, Little Cargate Farm, Bradfield St George, Bury St Edmunds IP30 0AG

- 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(1) and 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 Messrs P & M Rush against the decision of West Suffolk Council.
 - The application Ref DC/20/0622/P3QPA, dated 7 April 2020, was refused by notice dated 3 June 2020.
 - The development proposed is Conversion of barn to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development is permitted development.

Reasons

3. The appeal site building comprises primarily single skin block walls and gable walls partly comprising sheet metal and wooden boarding, with window and door openings, below corrugated pitched and mono-pitched roofs. Internally the roofs are supported wooden beam frames. There is a concrete floor throughout on two levels upon which are some wooden props that appear to support the western gable roof.
4. Class Q of Part 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) allows a change of use subject to a number of limitations. Operational works permitted by paragraph Q.1(i) include the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and (ii) partial demolition reasonably necessary to allow these works.
5. Paragraph 13-105-20180615 of the Planning Practice Guidance (the PPG) clarifies that Class Q assumes the building is capable of functioning as a dwelling and the right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building. It is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the

conversion to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use, that it would be considered to have the permitted development right. In referring to the differences between conversions and rebuilding the PPG includes reference to the *Hibbitt*¹ High Court Judgement, which both parties have referred to.

6. Notwithstanding the plans before me, there is limited detail set out with respect to the physical works required for the proposed development. Those listed are primarily the installation of weatherboarding, rendering a plinth, natural slate roofs and the installation of new doors and windows. Based upon the evidence before me, these are works reasonably necessary for the building to function as a dwellinghouse and fall within permitted operations under paragraph Q.1(i) of Class Q. The appellant's evidence states that conversion works are confined to parts of the building that are structurally sound and capable of conversion. However, it is effectively the whole of the remaining barn building that is proposed to be converted.
7. The structural appraisal report concludes the building is considered to have the rigid structural integrity for a proposed renovation and conversion, and with the exception of the gable end mono-pitched rafters all the remaining structure can remain albeit with possible strengthening. However, the report does not confirm exactly which components need strengthening, the extent of the strengthening, or how the components of the building will be strengthened.
8. This building is constructed of single skin walls with some cracking along mortar joints and below a window, and with several sections of block courses that do not align or bond together where the building has been previously extended or altered. Presently the structure supports a lightweight roof and rafters. Some works to upgrade the walls might be considered reasonably necessary for the building to function as a dwellinghouse, and internal works may not fall within the definition of development. However, works required to convert this building into a dwelling, including new slate roof, rafters and other internal works, walls, and alterations, would add a considerable additional load onto the frame and exterior walls. Even with some strengthening, based upon their thickness, repair and sectional nature, I am of the view that the walls are unlikely to bear the significant increase in load required for this residential conversion.
9. The submitted survey report is very brief and I do not consider it is sufficiently detailed or informative. There is no substantive information in respect of the likely strength of the walls, details of the foundations or floor slab. It is not clear from the report provided that the walls, foundation and slab components of the building have been comprehensively assessed for their strength and suitability to bear the increased load, the structural calculations, or even what the likely loading would be as a result of the proposed development.
10. The Council advises it refused previous applications under Class Q, due to similar concerns to those raised by it in relation to this proposal. However, the full details, circumstances and assessment of those proposals are not before me. I have also been provided with the decision notice for a nearby cart lodge. As this relates to a different building that appears of a significantly different construction, it is of limited relevance to this building.

¹ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin).

11. On the basis of the evidence submitted, I cannot be certain substantial parts of walls of the building, foundations and slab would not need to be considerably strengthened, made more substantial, or significantly rebuilt or replaced entirely, or whether this can be done within the width and depth of the existing structure and foundations. Therefore, I cannot be certain the development could take place within the confines of the building, and would not constitute rebuilding work which would be beyond what could be considered to be reasonably necessary for the building to function as a dwellinghouse under Q.1(i) (i) and (ii), thereby not constituting a conversion. Consequently, I must dismiss the appeal.

Other Matters

12. The appeal site lies in close proximity to Old Farmhouse, Felsham Road which is a Grade II Listed Building. Special regard should be given to the desirability of preserving the setting of a Listed Building under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, as this appeal fails I have not gone on to consider this matter further.
13. As I have found that there is insufficient information provided to demonstrate that the proposal would be development permitted by the GPDO, there is no need for me to consider whether the proposal would satisfy the detailed prior approval conditions as set out in Class Q Paragraph Q.2. (1) (a) – (g) of Schedule 2, Part 3 of the GPDO.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Dan Szymanski

INSPECTOR