



Appeal Decision

Site Visit made on 16 March 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/Y3940/W/20/3263892

Barn, New Farm, Goose Street, Devizes, Wiltshire SN10 5SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by C M Howard and Sons against the decision of Wiltshire Council.
 - The application Ref 20/04567/PNCOU, dated 22 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is to change the use of a barn to form one small dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for prior approval was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class Q permits the change of use of an agricultural building to a dwellinghouse as well as building operations reasonably necessary to convert it, subject to the criteria set out in the legislation. In this case, the proposal is for the conversion of a barn to provide one dwellinghouse.
3. The appellant has provided a drawing with their appeal documents, drawing number 3596-03 Rev A, which the Council has confirmed they did not consider as part of their assessment. However, the only difference between this drawing and drawing 3596-03 is the scale at which the Site Location Plan is shown. As such, I have taken drawing 3596-03 Rev A into account in my assessment and do not consider that either of the main parties would suffer any injustice by me doing so.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be permitted development having regard to the requirements of Class Q of the GPDO; and,
 - If so, whether the proposal would satisfy the detailed prior approval conditions as detailed in Class Q, Paragraph Q.2. (1) of Schedule 2, Part 3 of the GPDO.

Reasons

Whether Permitted Development

5. The appeal building is of timber framed construction and has been used for housing chickens. It has shiplap timber boarding to the elevations and corrugated cementitious roofing sheets. There are windows to each elevation and doors to the front and rear.
6. There is no dispute between the parties that the proposal complies with the requirements of Paragraphs Q.1.(a) – (h) and (j) – (m) of Schedule 2, Part 3, Class Q of the GPDO. However, there is dispute as to whether the proposal complies with Paragraph Q.1. (i), which restricts the building operations that can be undertaken to a building for the purposes of its conversion.
7. Paragraph Q.1(i) states that development is not permitted if it would consist of building operations other than (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. The Planning Practice Guidance¹ states that the right to carry out works under Class Q assumes that the agricultural building is capable of functioning as a dwelling. 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 and would otherwise require planning permission. The PPG confirms 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. Therefore, it is only where a building is capable of functioning as a dwelling that the permitted development right afforded by Class Q applies.
9. The proposed works include replacing all of the external and internal cladding to the elevations between the existing timber frame. This would effectively result in four new walls and would, in my view, go beyond what could reasonably be considered a conversion of the building.
10. Further, the Council state that the plans show a 150mm difference in height between the finished floor level and the external ground level. The Building Survey Report and Structural Analysis (BSRSA), however, indicates that the existing floor joists are 200mm deep with a void beneath. This apparent discrepancy is not addressed by the appellants in their submission and I have proceeded on the basis that the measurements provided by the Council are agreed. Given this discrepancy, it appears that the existing floor would need to be replaced and raised in height in order to facilitate the proposal.
11. In light of the above, I consider that the works required to facilitate the proposed development would be tantamount to a fresh build, notwithstanding that the existing timber frame, roof trusses, purlins and rafters would remain. This indicates that the building is not capable of functioning as a dwelling and so the permitted development right afforded by Class Q does not apply.

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

12. Even if I were to accept the appellants' suggestion that the proposed works were permitted under Class Q of the GPDO, there is no evidence before me to demonstrate that the existing timber frame can adequately support the loading of the works required for the building's proposed residential use. While there is no requirement for such details to be submitted with an application under Class Q; Part 3, Paragraph W(3)(b) of the GPDO² states that the local planning authority may refuse an application where, in the opinion of the authority the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions. In the absence of detailed information regarding the weight and load of the proposed works and the ability of the existing structure to support these, the appellant has failed to demonstrate that the structure would not need to be replaced or rebuilt in order to facilitate the proposed development.
13. I also observed that the southern end of the building shows signs of settling. The BSRSA states that the footings of the building consist of concrete blocks/pads which support each frame. It also states that the footings are serving their purpose, supporting the superstructure and that there are no signs of settlement to cause concern. Given what I observed, further information is necessary to confirm that no invasive structural works would be required to remedy the settling. Moreover, the Supporting Statement states that the foundations are concrete and suitable to carry the existing and proposed loads, as opposed to concrete blocks/pads which support each frame. As such, I cannot be certain of the type of foundations that the building has or whether these would be sufficient to support the conversion works necessary for the building's proposed residential use.
14. In light of the above, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO.
15. The appellant suggests that the Council's decision to refuse the application is not consistent with other decisions that it has made. However, no details of any other decisions have been submitted to me and I am mindful that each case must be considered on its own merits.

Prior Approval

16. As I have found that the proposed development is not permitted development under Class Q of the GPDO, there is no need for me to consider whether the proposal would satisfy the conditions set out under Class Q Paragraph Q.2.

Conclusion

17. For the reasons given above, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal is dismissed.

Scott Britnell

INSPECTOR

² Procedure for applications for prior approval under Part 3.