



Appeal Decision

Site Visit made on 12 May 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/W3330/W/21/3268761

The Greenhouse, Newtons, Nailsbourne, Taunton, Somerset TA2 8AQ

- 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 (as amended).
 - The appeal is made by Mrs Donna Thomas against the decision of Somerset West and Taunton Council.
 - The application Ref 20/20/0026/CQ, dated 24 September 2020, was refused by notice dated 13 November 2020.
 - The development proposed is conversion of commercial greenhouse to dwelling together with formation of parking & garden area.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of commercial greenhouse to dwelling together with formation of parking & garden area at The Greenhouse, Newtons, Nailsbourne, Taunton, Somerset TA2 8AQ in accordance with the terms of the application, Ref 20/20/0026/CQ, dated 24 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 of The Conservation of Habitats and Species Regulations 2017.
 - 2) The development must be completed within a period of 3 years starting with the date of this decision.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1920/1 Sheet 1 of 2 – Measured Building Survey; 1920/2 Sheet 2 of 2 – Measured Building Survey; 1920/3 Sheet 1 of 2 – Floor Plan/Section; 1920/4 Sheet 2 of 2 – Elevations; 1920/5 – Location/Site Plan.

Background and Main Issue

2. Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to a number of situations where such development is not permitted, listed under Paragraph

Q.1. The Council raises no concerns in respect of the proposal complying with criteria Q.1 (a)–(h) and (j)–(m). The Council considers, however, that the development is not permitted by Class Q, because the proposal contravenes the requirements of paragraph Q.1(i).

3. Consequently, the main issue is whether the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse.

Reasons

4. The building is a single storey steel-framed horticultural glasshouse. The framework comprises two spans, each having a twin-pitched roof with structural gutters supported by lattice girders. The roof largely comprises of glazed units, and the external side walls are composed of low-level blockwork with glazing panels above. There is an open-sided triple-pitched roof canopy attached to the eastern end of the building, with a small blockwork store underneath. The whole building is on a solid concrete floor slab.
5. The application was accompanied by a Structural Report, which found that the main steel-framed structure, blockwork walls, glazed panels, and floor slab were in a sound structural condition. Design assessment checks on the steel frames revealed that they were capable of safely supporting the loads from the proposed conversion. Overall, the report concluded that, although some repairs would be required to the external cladding and low-level walls, the building could be satisfactorily converted to residential accommodation. As the Structural Report was prepared by a suitably qualified professional, and there is no evidence to cast doubt on its findings, I give it significant weight in my decision.
6. The development would involve the retention of the glass roof, low-level block walls, and the majority of the glazed side wall panels. Relatively small areas of glazing in the east and west elevations would be replaced with vertical timber panels containing new doors and windows. Internally, new insulated walls and partitions would be constructed off the existing floor slab. These walls would, in turn, support a fully insulated ceiling under the glazed roof. The internal walls would be set well back from the external glazed side walls of the existing structure, with the resultant spaces being utilised as conservatories, covered terraces, a porch, and a kitchen garden. The open-sided canopy would be retained to provide a covered terrace/play area, but the blockwork store would be demolished.
7. There would be some external changes to the building, through the construction of the timber panels, the demolition of the store, and the removal of three sets of doors. However, Class Q(b) of the GPDO permits building operations that are reasonably necessary to convert the building to a dwellinghouse. Paragraph Q.1(i) specifies that the installation or replacement of windows, doors, and exterior walls, and partial demolition, are not excluded from this definition. The timber panels would be necessary to provide enclosure to the internal accommodation, and the removal of the doors would allow ventilation to the terraces and porch and, in turn, to the living accommodation within. The demolition of the store would allow light to reach the internal accommodation. All of these works would, therefore, be necessary to allow the building to function as a dwelling, so would be permitted development.

8. The Planning Practice Guidance advises that internal works are not generally development, and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including internal walls, which are not prohibited by Class Q. Consequently, the internal insulated walls, partitions and insulated ceiling would fall within the scope of the permitted development rights conferred by Class Q of the GPDO.
9. The Council contends that the construction of four walls within the glasshouse would, effectively, constitute the erection of a dwelling within the existing building, and would constitute a rebuild rather than a conversion. In this regard, my attention has been drawn to the Hibbitt¹ case, which considered the difference between conversion and rebuilding. That case, however, involved a proposal to convert a steel framed barn which was largely open on three sides, and the proposed building works included the construction of all four exterior walls. The appeal proposal, by contrast, involves a building that is fully enclosed. The exterior walls would remain largely unaltered, and the roof would be retained in its entirety. The starting point for the conversion would not, therefore, be a skeletal structure, as in the Hibbitt case.
10. I acknowledge the Council's concern that the construction of a freestanding dwelling, within the shell of a larger building, could not be considered to be a conversion. However, that is not what is proposed in this case. The existing building would be integral to the resultant dwelling. Some of the areas of the existing building, outside the new internal walls, would form additional living space, in the form of conservatories accessed internally from the principal rooms. Other parts would be utilised as covered terraces and a porch, which would provide sheltered space immediately outside the living accommodation. The glazed roof would provide a weatherproof cover for the new insulated ceiling, and the exterior structure would provide solar gain for the living accommodation. The internal work would not, therefore, constitute a new dwelling that would be independent of the existing building.
11. Whilst a significant amount of work would be required to render the building suitable for residential accommodation, the works would either be permitted by Class Q.1(i) of the GPDO, or would be internal work that would not constitute development. Furthermore, the proposal would not involve any new structural elements, and the existing building would remain largely intact. The resultant building would not be significantly different in its external appearance. In these circumstances, the works would constitute conversion of the building rather than re-building.
12. For the above reasons, I conclude that the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse. Consequently, the proposal would comply with the requirements of paragraph Q.1(i) of the GPDO.

Other Matters

13. The application site falls within the catchment area flowing into the Somerset Levels and Moors Special Protection Area and Ramsar site. Natural England has raised concerns regarding nutrients entering watercourses in this catchment. New housing will result in an increase in phosphates contained within foul

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

water discharge. As the Ramsar site is in unfavourable condition, any increase, either alone or in combination with other developments, would have a likely significant effect on the protected site.

14. Regulation 75 of the Conservation of Habitats and Species Regulations 2017 provides that it is a condition of any planning permission granted by the GPDO, that development which is likely to have a significant effect on a European site, alone or in combination with other plans or projects, must not be commenced until the developer has received written approval from the local planning authority under regulation 77. I have therefore imposed a condition to this effect for the avoidance of doubt.

Conditions

15. Planning permission granted for the change of use of agricultural buildings to dwellinghouses under Schedule 2, Part 3, Class Q of the GPDO must be completed within a period of 3 years, starting with the prior approval date, in order to comply with condition Q.2(3). I have therefore imposed a condition to this effect for the avoidance of doubt. In the interests of certainty, I have also imposed a condition requiring that the development is carried out in accordance with the approved plans.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR