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## Appeal Decision

Site visit made on 11 May 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2021**

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**Appeal Ref: APP/H0738/W/21/3268753**

**Coppice Farm, Blakeston Lane, Stockton on Tees TS21 3LE**

- 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, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Korri Hampton against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 20/0536/PABRE, dated 7 October 2019, was refused by notice dated 13 November 2020.
  - The development proposed is Change of use of one agricultural building to one residential dwelling (C3) including external alterations.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

### Reasons

3. Schedule 2, Part 3, Class Q of 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) of the Schedule of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building.
4. Schedule 2, Part 3, paragraph W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.
5. The Council refused to grant prior approval for the scheme under Schedule 2, Part 3, Class Q of the GPDO as they were not of the view that the development complied with the requirements of both Q(a) and Q(b).

6. The GPDO states at paragraph Q.1.(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
7. The GPDO does not define what constitutes 'reasonably necessary'. The Planning Practice Guidance (PPG) states that the permitted development rights under Class Q assumes that the agricultural building is capable of functioning as a dwelling. In this respect, 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, would be permitted.
8. However, the PPG also clarifies 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 the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'. The nature and extent of the proposed building operations are therefore a relevant consideration in making that assessment.
9. The appeal building is a typical modern portal framed agricultural storage building of substantial and permanent construction. At the time of my site inspection, the steel framework appeared to be in good condition, consistent with the findings of the structural engineer's report submitted with the notification for prior approval. The central building has a half-height breeze-block panel wall to the lower part of all four elevations with profiled sheeting on two sides to the upper walls which is assumed (within the engineer's report) to be asbestos cement and extends to the roof. The floor of the building appears as a single concrete slab.
10. The works to facilitate the re-use of the building would require the entire removal of the roof covering and replacement with a lightweight cover. It would also include the removal of the wall sheeting with a more solid building material. The existing non-close boarded timber cladding to both apex at either end of the building would be replaced by new timber cladding for watertightness. These works would appear as substantial building elements in their own right.
11. Other internal works within the central barn would consist of a new insulated floor suspended above the existing concrete floor as well as a complete internal timber framed unit required to make the space habitable. The Council may have approved similar internal timber frames in another conversion development brought to my attention, however the precise details are not before me to comment upon.
12. Even so, my findings are that the works to the elevations and within the pre-existing structure would be extensive to the extent that the degree of new-build would constitute substantial re-building to facilitate its re-use.
13. I also note that the structural report fails to conclude as to the extent of any reasonable works as it states that conversion is in principle possible 'subject to

specific construction details which will allow the building to function as a dwelling and a full structural assessment of the proposed development by a Structural Engineer.’ The extent of the necessary works is therefore undefined and could subsequently extend to further re-building works.

14. Even though the advice contained within the PPG does not prohibit internal works, it does not follow that the proposed development would constitute a ‘conversion’, as this is a matter of planning judgement depending on the nature and extent of the building operations proposed. Therefore, all things considered, the overall totality of proposed works would be of such an extent that they would go beyond what would be reasonably necessary for the building to be capable of ‘conversion’ to a residential use.
15. To conclude, the proposal would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order.
16. There is significant debate between the parties as to whether or not the building is an agricultural building to satisfy the requirements of Class Q(a). Even if I were to agree with the appellant that the building complied with the requirements of Class Q(a), for the aforementioned reasons, the evidence before me does not lead me to the conclusion that the building could function as a dwelling as the works involved to facilitate the conversion would go beyond what would constitute ‘reasonably necessary’.

### **Other Matters**

17. Both parties agreed to an extension of time to allow the Council more time to determine the proposal, and this was agreed in writing as 13 November 2020. Despite the specific time of day the formal decision was issued on the 13 November 2020, I am not of the view that it is reasonable to consider the Council did not meet the agreed timeframe to issue their decision. In any case, if the Council fails to make a determination within the statutory period on a prior approval application, the developer can proceed with development which is permitted development, *but*, they would not have permission for development that is not, in fact, permitted development.

### **Conclusion**

18. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal is therefore dismissed.

*Alison Scott*

INSPECTOR