



Appeal Decision

Site Visit made on 13 July 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2021

Appeal Ref: APP/L2820/W/21/3271845

Aspenfield Farm, Orton, Kettering NN14 1LJ

- 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 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr and Mrs R Spendlove against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0725, dated 20 October 2020, was refused by notice dated 12 January 2021.
 - The development proposed is partial conversion of barn to dwelling with access via existing farm road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the header above is taken from the Council's decision notice and appeal form, although it omits reference to Part 3 Class Q determination. As it is used by both main parties, I am satisfied no injustice would be caused by basing my assessment on this description.

Main Issue

3. The main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO.

Reasons

4. Class Q permits the change of a building and land within its curtilage from an agricultural use to a dwelling as well as operations reasonably necessary to convert the building. The Planning Practice Guidance (the PPG) says it is not the intention of Class Q to allow rebuilding work which would go beyond that necessary for conversion. The PPG refers to the judgement in *Hibbett and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) (Hibbett). This judgement establishes that Class Q requires a proposal to represent a conversion rather than a rebuild, fresh build or new build.
5. The barn subject of this appeal has 5 bays comprising of 6 steel portal frames. It has a dual pitched roof covered with fibre cement roof sheet cladding. Vertically hung timber board cladding is attached to parts of the external walls. The floor of the barn appears to be largely unsurfaced although I saw evidence of loose hardcore in some areas. The proposed dwelling would occupy 2 bays at

- the end of the barn with a new internal wall to separate it from the rest of the building which would remain in agricultural use.
6. The appellants' structural report states the steel frame is in good condition and that it and the roof would be incorporated as part of the scheme. Also, the submissions indicate the timber boarding would be retained to form the outside of the 3 external walls of the dwelling. However, the timber cladding only covers the upper portion of the sides of the barn so new walls would be required to fill in the lower parts of these elevations. Also, proposed openings would cut into the areas of the timber boarding on the side walls so that only small sections would remain. Furthermore, the gable side of the building only has an area of cladding at the top and so most of this elevation as proposed would consist of new windows and walls.
 7. As such, a large proportion of the 3 external walls of the proposed dwelling would comprise of new fenestration and new areas of cladding with lining and insulation behind. Sub-paragraph Q.1 (i) of Class Q does not prevent the installation of windows, doors or exterior walls. Nevertheless, the proposal would include a substantial element of fresh build or re build in respect of the external walls.
 8. Also, an entire new floor slab is proposed. The drawings indicate that this would be non-load bearing and the PPG says that internal works are not generally development. However, the substructure would be significant in terms of its depth and extent. As such, it further illustrates that the building is unsuitable for conversion to residential use as permitted under Class Q.
 9. Having regard to Hibbett and the various elements of the proposal, I consider the works in their entirety would represent new or fresh build with only a modest contribution from the current barn structure. As such, the development would include operations that go beyond that reasonably necessary to convert the building to a dwelling.
 10. Both main parties have referred to appeal decisions which reach opposite conclusions about similar proposals. The range of decisions demonstrates the need to consider each case in light of its own specific circumstances. None of those referred to by the appellant relate to the appeal site and from the limited information before me, I am unable to draw accurate comparisons between these other developments and the appeal scheme. Therefore, these decisions do not provide a precedent that I am bound to follow in the determination of this appeal.

Conclusion

11. For the above reasons, I conclude that the proposal would not constitute permitted development as defined by Class Q of the GPDO. Therefore, the appeal is dismissed.

Jonathan Edwards

INSPECTOR