



Appeal Decision

Site Visit made on 5 July 2021

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/Q3305/W/21/3271662

Building at Row Lane, Laverton, Frome, BA2 7RA

- 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 Mr & Mrs S Snook against the decision of Mendip District Council.
 - The application Ref 2020/2646/PAA, dated 18 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is the change of use of an Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the change of use of an agricultural Buildings to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion, at 'Building at Row Lane', Laverton, Frome, BA2 7RA, in accordance with the terms of the application Ref 2020/2646/PAA, dated 18 December 2020, and the details submitted with it, including plan Refs: 200_01 REV B, 200_02, 200_04 E, and 200_05 A.

Applications for costs

2. An application for costs was made by Mr & Mrs S Snook against Mendip District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), with particular regard to whether the extent of the proposed works to the building go beyond those permitted under Class Q.

Reasons

4. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

5. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed by the same paragraph.
6. Planning Practice Guidance provides further clarification in this regard. It states 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. It is therefore 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.
7. The proposed conversion to a dwelling would mean some extensive works, although as this is a barn this is not uncommon. I also note that as much of the exterior materials are to remain (albeit with added insulation and some infill areas, for example) using the existing structure. On this matter, as described by the submitted Structural Report, the structural elements of the barn (including some aspects recently repaired) are sufficient to support the building if converted as proposed. There are not full details of the foundations, but the Structural Engineer is satisfied from what was apparent that there would be no particular issue with this aspect of the building structure. With my own observations, I have no substantive reason to conclude otherwise on these matters.
8. In maintaining much of the existing cladding (with some repairs where necessary) the majority of the new exterior works would be to the north-east elevation, which is currently open. There would be some infilling to the other elevations, but not to an extensive degree. I would conclude that the exterior works (including new openings, for example) do not go beyond what is reasonably necessary for the conversion.
9. The proposal would be a conversion, rather than a new build development. Whilst I acknowledge the High Court Judgement in the case of *Hibbitt v SSCLG* (2016), in this case I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q.
10. Furthermore, as also set out by the Council, none of the matters set out at Paragraph Q.2(1)(a) to (g) in the context of this appeal indicate that prior approval should be withheld. This includes the matter of highways impacts, to which I conclude that sufficient parking and turning space can be provided within the site. The proposals with the glazing proposed would provide adequate natural light to all habitable rooms also.

Other Matters

11. It has been drawn to my attention that the proposed curtilage area for the dwelling includes an area conditioned to be used for horse boxes. However, I have little detail of this and there is no substantive evidence that this area is still needed for horse boxes/parking for another development.
12. From my observations on site, the proposed residential use would not result in any significant reduction of living conditions for neighbours to the site.

Conditions

13. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO.
14. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have included the list of plans within the decision paragraph (paragraph No 1). There is no substantive evidence of the need to impose additional conditions related to the subject matter of this prior approval.

Conclusion

15. For the reasons given above and in considering all matters raised I conclude that the appeal should be allowed and prior approval should be granted

Mr S Rennie

INSPECTOR

