



Appeal Decision

Site Visit made on 12 August 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/Q3305/W/21/3274875

Court Farm, West Woodlands, Frome BA11 5EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q, Paragraph Q.2.(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - The appeal is made by Mr Mark Knight against the decision of Mendip District Council.
 - The application Ref 2020/1916/PAA, dated 22 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the conversion of agricultural building to one larger dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development, with particular regard to the extent of building operations required.

Reasons

3. The building is a metal framed barn. It has an entirely open front and, once an adjoining building has been demolished as proposed, a largely open side elevation. This is because the main part of the walling materials on that side elevation, rather than being shared, appear to be attached to the adjoining barn. The remaining wall on that side, where it projects beyond the adjoining building, is covered with profiled sheeting, as is the rear wall of the main part of the building. A side 'lean-to' section has block walls to 3 sides, but they do not extend to the roof.
4. The steel frame, which would be retained alongside the foundations and floor slab, is structurally strong enough to take the required loading, which is said to be of less weight than the existing cladding. However, aside from the relatively small areas of masonry walling, the external walls and roof would be entirely replaced. Whether or not some of those elements could be retained, that is not the proposal before me. Essentially, only a skeleton would remain to the vast majority of the building.
5. I have been referred to an appeal¹ at Hornblotton Farm, which also fell to me. In that case, I noted that the external walls were not fixed to the ground and, like this proposal, extensive open sections were to be infilled with glazing. However, the extent of building works was broadly the same as another part of

¹ Ref: APP/Q3305/W/20/3247213

the same barn that had already been approved and all existing external walling was to be retained. Therefore, the building to be converted was not so skeletal as this one and the cases differ.

6. While the permitted development right allows the installation and replacement of roofs and walls, having regard to the judgement in *Hibbit and Another v SSCLG and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin), I find that the works required in this case go beyond what can reasonably be described as a conversion and a fresh build is proposed. As such, the building is not already suitable for conversion to residential use.
7. The proposal does not, therefore, benefit from the relevant permitted development rights and the appeal is dismissed.

M Bale

INSPECTOR