



Appeal Decision

Site visit made on 21 September 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/Q3305/W/21/3277306

Land at 347770 145347 Barrow Causeway, Bleadney, Wells, Somerset

- 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 Stanley Ham against the decision of Mendip District Council.
 - The application Ref 2020/0972/PAA, dated 15 May 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described as the 'conversion of agricultural barn in field south of Wells Road to a dwellinghouse'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the site address from that given on the appeal form and decision notice as it is fuller than that on the application form. In addition, the application form is dated 15 May 2020, although the Council did not receive the application until some months later.
3. The Government published its revised National Planning Policy Framework (the Framework) on 20 July 2021. The parties have had the opportunity to refer to the revised Framework as part of the appeal process.

Main Issue

4. The main issue is whether the proposal would be permitted development, with particular regard to whether the requirements of Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) would be met.

Reasons

Whether the proposal would be permitted development

5. Class Q(b) of the Order permits building operations reasonably necessary to convert the relevant building to a use falling within Class C3 (dwellinghouses). It further 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 exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.

6. The agricultural building that is the subject of the appeal has a utilitarian appearance comprising a timber frame, with low level block walls and corrugated metal sheeting above to three sides, and an open front (north west) elevation. The roof is clad with corrugated metal sheeting.
7. The structural appraisal¹, prepared by a qualified engineer, concludes that the building as a whole is of a permanent and substantially sound construction, and that with a minimal amount of remedial and renovation works, it may be successfully converted into a residential dwelling. Nevertheless, the document describes the appraisal carried out as brief. The observations include that a ground slab was not apparent and that in places the timber posts are decayed and require repair and/or strengthening. Moreover, foundations could not be confirmed².
8. The limited information detailing the intended building operations refer to the retention and repair of the dwarf block walls with one bay to the rear requiring reconstruction and new cavity walls with a larch cladding finish. A comparison of the existing and proposed elevational drawings³ shows that the existing dwarf wall to be retained would comprise only a small part of the walling. The majority would constitute new fabric above the low level block wall clad in larch, as well as new fenestration. The whole of the north west open elevation would be infilled with new walling. In addition, reference is made to new roof tiles, felt, battens and purlins. Based on the information before me, most of the external fabric of the building would be replaced.
9. Although Planning Practice Guidance (PPG) confirms that internal works are not generally development, works would also be necessary to provide appropriate insulation to the roof and walls, as well as provide internal dividing walls. These contribute to the overall building operations proposed in this case.
10. Moreover, although the appraisal states that where possible the existing timber posts should be retained, it does not state how many would need to be repaired, strengthened or even replaced. Furthermore, it states that a new ground bearing slab should be constructed, and the exposure of existing foundations is recommended to ensure suitability to support the proposed loads, which may require underpinning⁴. In addition, the Flood Risk Assessment⁵ provided recommends a finished floor level considerably higher than the established floor level of the barn.
11. Taking these factors together, some doubt remains regarding whether the building is structurally suitable for the loads intended to be imposed. If underpinning to the foundations cannot be ruled out, this suggests operations of some significance could be necessary, which are not included in those listed in paragraph Class Q.1 (i) as being covered by Class Q(b).
12. PPG further advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, clarifying 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

¹ Dated 24 May 2019 prepared by TIM HB Limited

² Paragraphs 3.1, 5.1 and 7.1 Observations

³ Drawings Numbered S5861/001 & S5861/100A

⁴ Paragraphs 3.1, 5.1 and 7.1 Comments and Recommendations

⁵ Prepared by EDS dated September 2020, paragraph 4.0(1)

conversion of the building to residential use. In this respect the PPG refers to relevant case law⁶ to which I have had regard.

13. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore if a development does not amount to a conversion then it fails at the first hurdle, even though the building operations may fall within those listed in paragraph Q.1(i). Furthermore, whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
14. In this case, from my own observations and the information in the structural appraisal and application details, the cumulative extent of the works proposed to facilitate a residential use would be extensive. In my view, when these are taken together the works would be of such magnitude that they would go beyond what would be reasonably necessary for the conversion of the building to a residential use.
15. The appellant points out that the building in the Hibbitt case differed from the appeal building. It concerned a steel framed barn with concrete wall panels where the existing walls were to be removed and replaced by structural infill panels. Be that as it may, despite the appellant's assertion that the proposal would retain the majority of the exterior walls⁷, most of the external fabric of the resultant building would be new. Moreover, cognisant that both parties remind me that each application should be considered on its own merits, the specific findings of the Inspector in the highlighted Hornblotton Farm appeal case⁸, which also concerned a steel framed barn with concrete wall panels is of limited relevance. Nevertheless, my overall approach is generally consistent with that Inspector.
16. In support of the proposal the appellant refers to another appeal decision⁹ which concerned a building with a timber frame and was allowed by the Inspector. However, as I only have limited information before me regarding that case, it inhibits a direct comparison. Nevertheless, as it related to a different building, the condition of the respective buildings and the individual proposals are likely to be notably different. In any event, I am required to reach my own conclusion based on the proposal and the evidence before me.
17. Therefore, I find that the development proposed would go beyond building operations reasonably necessary to convert the building into a dwellinghouse and as such, would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order.

Conclusion

18. For the reasons given, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁶ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

⁷ Page 4, Appellant's Grounds of Appeal

⁸ Appeal Reference APP/Q3305/W/20/3247213, Appendix to Appellant's Grounds of Appeal

⁹ Appeal Reference APP/Q3305/W/19/3238717, Appendix to Appellant's Grounds of Appeal