
Appeal Decision

Site visit made on 20 September 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/L3625/W/21/3267322

Littleton Manor Farm, Littleton Lane, Reigate, Surrey RH2 8LB

- 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, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr Matt Tarrant against the decision of Reigate & Banstead Borough Council.
 - The application Ref 20/02596/PAP3Q, dated 20 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is change of use from an agricultural building to dwelling(s) (C3 Use class).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the change of use from an agricultural building to dwelling at Littleton Manor Farm, Littleton Lane, Reigate, Surrey RH2 8LB in accordance with the terms of the application Ref 20/02596/PAP3Q, dated 20 November 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application was made under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). This permits development consisting of: (a) 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 to the Use Classes Order; and (b) building operations reasonably necessary to convert the building.
3. Approval is being sought for change of use and associated building operations pursuant to Class Q(a) and Class Q(b) respectively. The Council considered the application on this basis and I shall deal with the appeal in the same manner.
4. The description of development refers to dwelling(s) but the plans show only a single dwelling as being proposed. I have considered the appeal on that basis. The Council's decision notice does not confirm that its prior approval was required but I have taken this as being implied, as the notice has refused prior approval.

5. The red line site boundary extends beyond the footprint of the building. This additional area is affected by the proposed change of use and would form the curtilage of the new dwelling.
6. The appellant has not made an application for costs but cites extracts from the Planning Practice Guidance (PPG) in relation to this. Inspectors have the power to make an award of costs on their own initiative, but in the circumstances of the case, I do not consider that such a course of action would be appropriate here.

Main Issue

7. The main issue is whether the proposal accords with the provisions of Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of the building works.

Reasons

8. Paragraph 105 of the PPG explains that the Class Q permitted development right assumes that the agricultural building is capable of functioning as a dwelling. The right permits 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. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.
9. The guidance draws attention to relevant case law¹ on the difference between conversions and rebuilding. The latter would not be permissible under Class Q, but the judgement in each case is one of fact and degree. The PPG 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.
10. The appeal building comprises a concrete portal frame structure, formed of three bays at approximately 6 m centres and spanning a width of approximately 16 m. The structure is partly enclosed to both side elevations with concrete block walls between the main frames. Remnant mortar joints on the frames indicate that historically there were walls to the front and rear elevations, but these are no longer in existence. The upper gables are clad in corrugated asbestos sheeting which is bracketed off the concrete frame with vertical tie bars to restrain deflection. The roof of the building is clad in similar sheeting, supported by pre-cast concrete purlin rails spanning between the main frames.
11. The appellant has provided a report from a chartered structural engineer which concludes that the frame is in a good structural condition, in excess of what is normally seen in buildings of this age and style. There is a localised area of minor impact damage on one corner, but this requires no more than a small concrete repair. From a structural perspective, the report confirms that the frame as a whole can be reused as can the cladding rails. These elements are capable of supporting lightweight replacement cladding in a conversion situation, albeit additional cladding rails may be needed to suit the specification of the replacement profile sheeting.

¹ Hibbitt and another v SSCLG (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

12. The Council draws attention to what it describes as 'uncertainties' in the report, which result from the inability of the surveyor to view the whole structure and the lack of information on foundations. However, the concrete frame shows no signs of distortion and the blockwork walls have no cracking, which suggests that there is no problem with ground instability. Furthermore, I have no reason to think that any damage within the few areas not visible or accessible during the engineer's inspection would alter the overall findings of the report. Based on my observations at the site visit, I am content that the report is an accurate reflection of the building's condition and that its overall conclusions are robust. Fundamentally, the existing frame is in good condition and would not require any form of reconstruction. It would not need to be strengthened to take the loading resulting from conversion to residential use.
13. I note that a previous appeal² for this site was dismissed partly on the grounds that the works necessary to create a dwelling from the structure would not fall within the scope of that permissible under Class Q. However, in that case the Inspector did not have access to a structural survey. The appeal before me remedies that deficiency and I have attached the structural engineer's report significant weight.
14. Of course, this does not alter the fact that extensive works would be required to construct walls between the frames, insert doors and windows and reclad the roof. The substantial, cumulative nature of the works was noted by the previous Inspector. However, these works all fall within those permitted under Class Q(b) and none relate to structural elements. All would be reasonably necessary for the conversion of the building to residential use. Whilst there would be a need to construct a floor slab and room partitions within the envelope of the building, such internal works are not development and the PPG explains that they would not be precluded by Class Q.
15. Extensive works can fall within the scope of Class Q and these can affect the external appearance of the building. However, the proposal would maintain the structural frame of the building and all of the works would be reasonably necessary for the building to function as a dwelling. That the appearance of the building would be substantially altered is not relevant to whether the building has the permitted development right. Based on the evidence before me, I do not accept the Council's contention that the works required would constitute rebuilding rather than conversion. The proposal would comprise a conversion within the scope of Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

16. The Council is satisfied that the proposal would comply with the limitations and restrictions set out within Paragraph Q.1 under Class Q. Additionally, it raises no concerns in relation to the prior approval matters listed in Paragraph Q.2 (1). Based on the information before me, I have no reason to take a different view. I note that the previous Inspector concluded, on the balance of probabilities, that the building was in agricultural use as part of an established agricultural unit at the time of his decision and on 20 March 2013. There has been no material change in the use of the building since then.

² APP/L3625/W/18/3199960

Conditions

17. In accordance with the GPDO, development must be completed within three years of the date of this decision and in compliance with the approved plans, and I have imposed conditions in respect of these matters.
18. The Council has not objected to the design and external appearance of the dwelling. However, details of the materials being proposed for the walls and roofs have not been specified and therefore to protect the character and appearance of the area I have attached a condition requiring the submission and approval of details relating to this matter.
19. The agricultural building incorporates asbestos sheeting in its construction and therefore the Council's suggested condition relating to an asbestos survey and mitigation scheme is reasonable and necessary.
20. The Contaminated Land Officer has also recommended a condition relating to ground contamination. However, all the evidence points to the building having been used historically to store hay, feed, plant and machinery. This was still the case at the time of my site visit. In light of that, there is limited risk from ground contamination and therefore the suggested condition is unnecessary.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 000, 001, 100 and 200.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external walls and roofs of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The developer must either submit evidence that the building was built post 2000 or provide an intrusive refurbishment and demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the local planning authority and must be approved prior to commencement of the development. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the local planning authority prior to occupation. The development shall be undertaken in accordance with the approved details.

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