



Appeal Decision

Site Visit made on 28 September 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/Y3615/W/21/3273213

Poultry Farm, Lark Rise, East Horsley, Surrey KT24 6TN

- 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 Mrs E Lakin against the decision of Guildford Borough Council.
 - The application Ref 21/W/00014, dated 29 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is a change of use from agricultural buildings to dwellinghouse (Class C3) comprising one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not include a description of the proposal. I have taken the description above from the Council's decision notice which the appellant also used in their appeal form. The description refers to 'buildings' but it is essentially a single building comprising an enclosed space and a more open element. The proposal was said to include both the change of use and the building operations reasonably necessary for the conversion.

Main Issue

3. The main issue is whether or not the proposed development 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).

Reasons

4. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order¹. It also permits any building operations reasonably necessary to convert the building.
5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development 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

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out such building operations.

6. The Planning Practice Guidance (PPG) provides further clarification at Paragraph 105², including 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. Thus, 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.
7. The structural appraisal submitted by the appellant concludes that the existing building is suitable for purpose, but that additional works would be required to the foundations and existing slab if it is to become a habitable building. The recommendation is for underpinning where the footings do not exceed 450mm in depth. Appendix A of the appraisal provides the specification for the underpinning, which would extend across all of the building where the habitable accommodation would be located. I have no reason to consider that the recommendation of the structural appraisal is not accurate.
8. A common sense conclusion on reading the appraisal must be that the building's foundations are not currently strong enough to enable the building to be used as a dwelling. Given the nature and scale of the underpinning required to enable it to be used as a dwelling, the existing building would not already be suitable for conversion. Consequently, the building would not be considered to have the permitted development right provided by Class Q.
9. Furthermore, given the nature and scale of the underpinning and that the structural appraisal confirms the building to be currently suitable for purpose, the works would, as a matter of fact and degree, go beyond the 'maintenance, improvement or other alteration' of the building. Accordingly, they would not comprise internal alterations which would be exempted from the definition of 'development' under S.55(2)(a) of the Act³.
10. Having regard to the above, the proposed works would go beyond what might sensibly or reasonably be described as a conversion. Accordingly, they cannot be considered to fall within the terms of Paragraph Q.1.(i) and therefore the proposal does not benefit from deemed permission under Class Q.

Conclusion

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

Stewart Glassar

INSPECTOR

² Paragraph: 105 Reference ID: 13-105-20180615

³ Town and Country Planning Act 1990 (as amended)