



Appeal Decision

Site Visit made on 12 October 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/P1615/W/21/3277249

Guy Hall Farm, Northington Lane, Awre, GL14 1EL

- 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 GPDO).
 - The appeal is made by Mr David Awre against the decision of Forest of Dean District Council.
 - The application Ref P2156/20/PQ3PA, dated 16 December 2020, was refused by notice dated 2 March 2021.
 - The development proposed is the change of use of agricultural buildings to no.5 dwellings and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. I have taken the description of development from the decision notice. Although different to that on the application form, it is more precise and has also been given on the appeal form.
3. Class Q(a) of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within the C3 (dwellinghouses) use class. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building.
4. Permission under Class Q is conditional upon the developer first applying to the local planning authority for a determination as to whether prior approval would be required as to the matters set out in Paragraph Q.2(1).
5. The Council contends that the building works proposed to facilitate the residential use would fail to comply with the limitations set out in paragraph Q.1(i) of the GPDO. They also include further reasons for refusal in relation to living conditions of future occupiers and the proposal's effects on highway safety.
6. In light of the above, the main issues of the appeal are:
 - whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO; and if so
 - whether the location or siting of the building would make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3; and

- the effect of the proposed development on highway safety.

Reasons

Whether Permitted Development

7. Paragraph Q.1.(i) of the GPDO defines the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than: (i) the installation or replacement of — (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. The Planning Practice Guidance (PPG)¹ advises that the right assumes that the agricultural building is capable of functioning as a dwelling and 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.
9. The term 'reasonably necessary' is not defined within the GPDO or PPG and this is a matter of fact and degree in each case.
10. The appeal buildings are part of a wider complex of agricultural buildings, many of which open into each other without full or even partial dividing walls. There are elements of hit and miss boarding, blockwork and metal sheet walls.
11. It is proposed to demolish parts of the complex of buildings that are currently attached to ones which would be subject to the conversion works. Some demolition works proposed would be necessary to carry out the proposed building operations.
12. However, the demolition would also be to provide additional space for parking, outdoor space and create separation from the remaining agricultural buildings. The scale of the demolition proposed would be to assist in providing better living conditions for future occupiers. In the absence of any clear evidence to the contrary, the buildings could function as dwellings without the extent of demolition proposed.
13. Consequently, whether or not the demolition works should be subject to prior approval under Class B, Part 11 of the GPDO, the work would go beyond what is reasonably necessary for the buildings to function as dwellinghouses and beyond building operations that would be reasonably necessary to convert the building.
14. The proposal would retain the existing frame, floor, roof, utilities and parts of existing external walls. Notwithstanding this, the proposal would also require the creation of significant areas of new walls where the building is currently open or where new elevations would be created. This would include new external walls added to both buildings. Substantial or whole new walls to a number of long elevations of the buildings would be required. Although parts would be retained, large portions of the gable walls would also be newly built.

¹ Paragraph: 105 Reference ID: 13-105-20180615

15. the elements of the existing buildings comprising the proposed dwellings would be modest and largely skeletal. The extent of the works needed demonstrates that the buildings are not capable of functioning as dwellings, and they are not suitable for conversion.
16. While the Council have questioned the effect of the new first floor, there is no detailed evidence provided to the contrary of the structural survey provided. Nevertheless, even if I were to agree that the building was structurally capable of accommodating the proposed development, the extent of the demolition and works proposed would be beyond the scope of what is reasonably necessary to carry out building operations.
17. For the reasons given above, the proposed development is not permitted under Class Q. As a result, there is no need to consider the further issues in terms of the criteria contained within Q.2(1) (a) to (f) inclusive of the GPDO such as whether it is an impractical or undesirable location for a Class C3 use or the effect on highway safety.

Other Matters

18. My attention has been drawn to several appeal decisions² by the appellant. Other than the appeal decisions themselves, I do not have full details of the schemes including plans indicating the extent of the works proposed.
19. From the evidence I have, unlike in this appeal, in the Lane End Farm appeal there were wall elements to 3 sides of the building. In the Holmley Lane appeal there is no indication that the extent of new external walls was as great as in this appeal. The Blue Bell Farm decision said that the building was not fully open to any side other than a lean to that would be used for a garage. In the Tidnor Cross Cottage case, as with the other appeals, there is no conclusive evidence that the same level of demolition was proposed as in this scheme. Therefore, these cases are materially different to the appeal before me.
20. The Hibbit judgement³ identified that in many permitted developments the work might be extensive, yet this does not disqualify a development from automatic permission. However, this was only one relevant consideration that could assist in forming a judgement as to whether the works were part of a conversion. It also identified that the magnitude of the building work was a consideration, as it has been in this instance.
21. Benefits arising from the demolition works on the living conditions of occupiers of Guy Hall Farmhouse do not alter my findings on the main issue. No method of ensuring remaining agricultural buildings would not be used for livestock has been presented to me.

Conclusion

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

Stuart Willis

INSPECTOR

² APP/W1850/W/18/3203745 APP/R1038/W/18/31955602 APP/C2708/W/18/31955602 APP/G1630/W/17/3189968

³ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).