



Appeal Decision

Site Visit made on 27 September 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/H1705/W/21/3275273

Dipper Barn Farm, Tufton, Whitchurch RG28 7RJ

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr M Prydderch against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/01850/GPDADW, dated 10 July 2020, was refused by notice dated 20 November 2020.
 - The development proposed is described as, "Change of Use from Agricultural Building to Class 3 Dwellinghouse Consisting of Five Number Dwellings Under Class Q (a) & (b) Part 3 of the General Permitted Development Order".
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) (only) of the GPDO¹ for the change of use of an agricultural building to 5 no. Class C3 dwellinghouses at Dipper Barn Farm, Tufton, Whitchurch, RG28 7RJ in accordance with the terms of the application Ref 20/01850/GPDADW, dated 10 July 2020.
2. This permission is subject to the conditions set out in paragraph Q.2(2) and Q.2(3) of Part 3 of Schedule 2 of the GPDO.

Application for costs

3. The appellant made an application for costs. This application for costs has been dealt with in a separate decision.

Preliminary Matters

4. The description of development given in the planning application form is, "See attached drawings and supporting statement and documents". Therefore, the description of development provided in the banner header above has been taken from the Supplementary Statement (dated October 2020). This differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as the, "Notification of proposed change of use of Agricultural Building to 5 no. Class C3 dwellinghouses and for associated operational development". I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

5. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for the conversion of agricultural buildings to dwellinghouses subject to limitations and conditions. The Council refused to grant prior approval as to paragraph Q.1(i) and paragraph Q.(b), making reference to the scope of the building operations proposed.

Main Issue

6. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to whether the building operations proposed would be reasonably necessary for the building to function as a dwellinghouse.

Reasons

7. The appeal site comprises a field and a yard, within which the steel-framed semi-enclosed barn, the subject of this appeal, is situated. The site is bounded by hedges and fencing.
8. The evidence, including the Structural Engineer's reports² provided, indicates that the building is structurally capable of conversion. Although some demolition would be involved (comprising the removal of corrugated metal sheeting), and taking account of the Dutch Barn, Bartletts Farm appeal decision³, I consider that the demolition involved would be of an extent that is reasonably necessary to facilitate the conversion.
9. The proposal would retain the existing steel frame of the barn. Beyond this, new foundations would be created, which would support both new external and internal walls. The existing structure of the barn would not be solely used to support the significant amount of new features proposed. Rather, due to the independent foundations involved, the existing stanchions would be connected to for stability only. Accordingly, it is clear that in essence the proposal would largely involve the erection of new structures inside the existing frame of the barn, in a manner akin to a fresh build, rather than a true conversion which would principally use the existing structure.
10. Moreover, although Q.1(i) allows for the installation of roofs and exterior walls, this is only to the extent reasonably necessary for the building to function as a dwellinghouse. In this case, the largely independent nature of the works involved, and the significant extent of new walls which would be created, further denotes the proposal as conflicting with the principle established in *Hibbitt v SSCLG*⁴ that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.
11. I have had regard to section 55 of the Town and Country Planning Act 1990 (as amended) and the Zoar Lane⁵ and Brinsford Farm⁶ appeal decisions, but the fact that the new independent foundations and new internal walls would be situated within the existing structure does not mean that they should not be

² Structural Report: Steel framed barn Condition assessment (Dennis Hadley) (March 2020), and, Structural Calculations Report (Marbas Group Limited) (October 2020)

³ APP/N1730/A/14/2225012

⁴ [2016] EWHC 2853

⁵ APP/N1215/W/17/3185230

⁶ APP/C3430/W/20/3259550

considered as part of my assessment under Q.1(i), as I must consider the totality of all the works applied for. I also note the principle espoused in the Barn East of Northwood Villa⁷ appeal decision, that the building need not be capable of functioning as a dwelling in its current state, but this does not change the fact that the works proposed in this appeal are so comprehensive and extensive as to go beyond what could be considered reasonably necessary for a conversion.

12. I have considered the examples of the previous schemes referred to, including Bob's Farm⁸, Bulls Bushes Farm⁹, Halls Farm¹⁰, Reeds Farm Barns¹¹, The Old Barn¹², and Weybrook Farm¹³. I note the apparent similarities highlighted. However, as the Officer's Reports have not been provided it is not possible to scrutinise the internal logic applied by the Council in each of these cases. In any event, notwithstanding the Council's approach to those decisions, my decision must be made on the evidence before me as it relates to this particular proposal. Accordingly, those examples do not change my findings. Taking all of the above into account, I find that the proposal would not comply with paragraph Q.1(i) and that would not comprise a conversion for the purposes of paragraph Q.(b).
13. The appellant has also requested that a grant of prior approval solely in relation to Class Q(a) (being the change of use to 5 dwellinghouses only) should be considered. The Council did not raise any concerns in relation to the change of use per se and based on the evidence before me, I consider that the proposal complies with the relevant provisions of the GPDO in this respect. Therefore, I find that prior approval can be given for Class Q(a) only.

Other Matters

14. Reference has been made to alleged inconsistencies in the Council's decision-making, with respect to a number of previous schemes. However, this is not a matter that I can assess in the context of a planning appeal.
15. Hurstbourne Priors Parish Council have referred to a number of matters, including the potential failure of the Tufton Water Company, the sight lines at the crossroads on Nuns Walk, and the provision of bus services. As the proposal has been found to be unacceptable with respect to the building operations involved, with the proposal being acceptable with respect to the change of use aspect only, these matters do not fall for consideration at this stage.
16. It is common ground that the proposal would not affect the setting or significance of the Tufton Conservation Area. I have no evidence before me that points to a different conclusion.

Conditions

17. As prior approval is to be granted with respect to the change of use element only, none of the conditions suggested by the Council are applicable, apart

⁷ APP/L3245/W/18/3216271

⁸ Refs:19/00204 and 18/00814

⁹ Ref: 18/03528

¹⁰ Ref: 18/03114

¹¹ Ref: 18/03089

¹² Ref: 18/01219

¹³ Ref: 16/03946

from the reference to paragraph Q.2(3), and I would add, paragraph Q.2(2), of Part 3 of Schedule 2 of the GPDO. For the same reason, the suggested informatives relating to nitrate neutrality and climate change are not applicable at this stage.

Conclusion

18. As the proposal would not comply with Q.1(i) or Q(b), prior approval cannot be given for the operational development aspects of the proposal. However, as the proposal complies with Q(a), in relation to the change of use applied for, I therefore conclude that the appeal should succeed to that extent only.

Alexander O'Doherty

INSPECTOR