
Appeal Decision

Site Visit made on 18 October 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2021

Appeal Ref: APP/W1525/W/20/3258753

Barn at Romans Farm, South Hanningfield Road, Rettendon, CM3 8HQ

- 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) Order 2015.
 - The appeal is made by Mrs Kidman against the decision of Chelmsford City Council.
 - The application Ref 20/00092/CUPAQ, dated 30 September 2019, was refused by notice dated 17 March 2020.
 - The development proposed is Conversion of agricultural building into a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal represents permitted development by virtue of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (the 2015 GDPO).

Reasons

3. Class Q (a) of the 2015 GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use as a dwellinghouse. Class Q (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
4. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q 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 its external appearance, and which would otherwise require planning permission. 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. Consequently, 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.
5. The existing barn is a large structure that is formed by a substantial concrete frame that is clad in corrugated sheet panels at roof level as well as to the three enclosed walls. The walls are set on top of low concrete plinths and the structure has concrete footings. Although a small section of the North East corner of the building is in slight disrepair, the structure would appear to be of

sound construction. Despite this, the existing building does not have a solid floor and the roof and walls are of single skin construction.

6. The proposal would retain the substantial concrete frame, however, the roof would be replaced by a slate roof and the walls would be replaced with insulated vertical timber weatherboarding. A new floor at ground level would also be necessary. These would represent significant building works, and as a consequence, all that would remain of the pre-existing structure once building work was complete would be the concrete frame and the low level block work on three existing walls. Accordingly, due to the extensive and significant work that would be necessary to provide a building suitable for residential use, in my judgement, the resultant built form would be more akin to a rebuild rather than a conversion.
7. As identified above, the PPG states that Class Q assumes that the agricultural building is capable of functioning as a dwelling, and that the existing building is already suitable for conversion. I accept that the existing frame provides structural stability and that it could comfortably support the new roofing materials and wall cladding. Moreover, I agree that much of the internal work would not represent development. However, without the package of proposed works, which are substantial in nature, a residential use could not be introduced into the building. The proposal would therefore not reasonably represent a conversion and instead would amount to substantial re-building of the existing structure.
8. Reference has been made to the *Hibbitt v SSCLG* [2016] EWHC 2853¹ case, in which it was held that a 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. Whilst it was also held that the extent of the works was not in itself conclusive, and that in many permitted developments the work might be extensive, this matter was one, amongst other relevant considerations that could assist in forming a judgment on whether the works were part of a conversion or were, instead, part of a rebuild or fresh build.
9. Having had regard to this decision, for the reasons identified above, I am satisfied that the works proposed would exceed that which could reasonably be described as conversion and would be so extensive as to amount to substantial re-building of the existing structure. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the 2015 GPDO.

Conclusion

10. For the reasons identified above, the appeal is dismissed.

Martin Chandler

INSPECTOR

¹ *Hibbitt and Anor v Secretary of State for Communities and Local Government & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin).