
Appeal Decision

Site visit made on 30 November 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/Y3940/W/21/3276617

Agricultural Building to the West of A360 Devizes Road, Devizes, Wiltshire, SN10 5LW

- 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 (the GPDO).
 - The appeal is made by Mr R Drake against the decision of Wiltshire Council.
 - The application Ref 21/01500/PNCOU, dated 8 February 2021, was refused by notice dated 18 May 2021.
 - The development proposed is Change of Use and Conversion of an Agricultural Building to a Residential Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The main parties have had the opportunity to provide comments on the revisions and I have taken these into account in reaching my decision. I have considered the appeal on the basis of the revised Framework.

Main Issues

3. The main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to:
 - The extent of works,
 - Whether the location of the building makes it undesirable for the building to change from agricultural use to a residential dwelling, and
 - The provision of adequate natural light to all habitable rooms.

Reasons

Extent of works

4. Class Q 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 falling within Class C3 (dwellinghouses), as well as building operations reasonably necessary to convert the building.

5. Paragraph Q.1.(i) 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 the building operations allowed.
6. The Planning Practice Guidance further advises 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."*
7. The building comprises a steel frame, with low blockwork walls with metal cladding above, the roof is covered in profiled metal decking. In order to undertake the proposed development a variety of works are proposed, including the infilling of sections of wall, replacing the metal cladding with vertical timber boarding, lining of masonry walls with a timber frame, new windows and door, replacement of roof cladding with a new insulated roof and attention/replacement of some non-galvanised purlins.
8. While the submitted structural report identifies that generally the building is in good condition, it also identified that elements such as the non-galvanised purlins will require "attention/replacement". However, no further details are provided as to the extent of this work. Furthermore, the survey identifies that the existing roof finishes are lightweight, and that consideration should be given to using finishes that are of a similar loading. Given the need to replace the roof with an insulated roof build up it is likely that there will be additional loading to the roof. The structural survey identifies that new ceiling loads will need to be supported independently of the roof framing. Again, no information of the details or extent of this have been provided.
9. Moreover, there is reference to the structural fabric of the building being retained, without changing or removing any of the existing structural elements. It has not been stated however that no new structural elements will be required.
10. As such, I find that there is insufficient information to determine that the existing structure is capable of supporting the building operations that have been outlined without the inclusion of some new structural elements. Thus, as a matter of planning judgement, there is insufficient information to show that the building operations would not go beyond what is reasonably necessary for the building to function as a dwelling.

Whether the location of the building makes it undesirable for the building to change from agricultural use to a residential dwelling

11. The proposed unit of residential accommodation would be located within part of the building, with the remainder given over to agricultural use, presently storage. The area retained in agricultural use would be directly alongside the proposed residential unit. While accepting that the area is likely to be used for predominantly storage purposes, there is no control over what could be stored, the times at which access to the storage area would take place or over the

operation of machinery. At the time of my visit there was hay storage taking place and I note from the photographs included within the submitted Case Officer's Report that hay has been stored to a significant height, that could at times block light entering the unit from the proposed high-level windows.

12. Taking all these factors into account, I find that it would be undesirable for the building to change from agricultural use to a residential dwelling due to the potential adverse effects of the continuing agricultural use on the living conditions of the future occupiers of the proposed unit.
13. I note that the appellant refers to two instances where agricultural stores have been permitted alongside residential uses. However, from the information provided, it is clear that these instances are substantially different from the appeal scheme. This is primarily in relation to the size of the retained agricultural elements, which in the two stated instances are minor in comparison to the residential elements. In the appeal scheme, the retained agricultural element would be larger in terms of floorspace than the residential accommodation provided. As such, these examples do not dissuade me from my findings above.

Natural light

14. The kitchen/dining area provided within the dwelling would be a long, linear space. This area is proposed to be served by windows to the side elevation of the building, as well as new high-level windows to the rear elevation. However, the new high-level windows would face the area of the building retained for agricultural use. As I have outlined above, the storage of materials within this area has the potential to block natural light from entering the interior. This would be further compounded due to the area to which these windows face being under a roof covering, further limiting the amount of light reaching these windows. With this in mind, the proposed windows to the side elevation, would not in my view provide adequate light for the entirety of kitchen/dining space. That there are windows in adjoining rooms would also not overcome this matter as they are located in spaces that can be separated from the kitchen/dining space by doors. Therefore, I find that all habitable rooms would not benefit from adequate natural light.

Other Matters

15. I have considered the appeal decisions put before me by the appellant. However, from the details provided I am unable to determine whether they are directly comparable to the appeal scheme. As such, I am unable to draw any useful comparisons from these examples. In any event, I have considered the details of the scheme that is before me on its merits.

Conclusion

16. For the reasons given above, I conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO. Therefore, the appeal should be dismissed.

Martin Allen

INSPECTOR