
Appeal Decision

Site visit made on 11 January 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/Y3940/W/21/3279750

Dutch Barn off Fosse Way, Lordswood Farm, Sherston, Wiltshire SN16 0JZ

- 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 Mr Jamie Treweke, T&B Development Ltd against the decision of Wiltshire Council.
 - The application Ref 20/09331/PNCOU, dated 25 August 2020, was refused by notice dated 28 January 2021.
 - The development proposed is described as "Notification for Prior Approval under Class Q for a change of use of Agricultural Building to a single dwelling house and associated operational development".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site description and description of development from the appeal form as they provide more concise descriptions.

Background and Main Issue

3. 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.
4. 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 building.
5. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Reasons

6. The appeal building comprises a steel framed and metal sheet clad agricultural building. It is clad to three sides and the roof with sheeting, albeit that the

cladding to one of the end elevations had at the time of my visit partially collapsed, with the front of the building open. From my visual inspection, the frame of the building appeared to be in a good condition.

7. The submitted information outlines that some of the structural elements of the building frame have been damaged, but in the majority states that this can be rectified by localised removal, remediation and replacement of existing features.
8. However, the submitted information outlines that the entirety of the existing cladding is to be removed and replaced with new, essentially stripping the building back to its barest skeletal frame. I note that the appellant asserts that it is their choice to do this, rather than a necessity, yet I am not convinced by any compelling evidence that it would be possible to retain the existing cladding satisfactorily. Therefore, the scheme that is before me would involve significant works that go beyond what is reasonably necessary for the conversion of the building. They would comprise, as a matter of planning judgement, rebuilding rather than conversion or refurbishment works.
9. The appellant refers to various works that are contended not to comprise development, including the provision of a new floor slab. While Section 55 of the Town and Country Planning Act 1990 (as amended) provides that works of "maintenance, improvement or other alteration which only affect the interior ... or do not materially affect the external appearance of the building" do not amount to development, this does not extend to works that comprise rebuild. When taken with the works I have outlined above, I find that the provision of a new floor, to replace the existing compacted earth and gravel floor, would go beyond those set out in Section 55.
10. Accordingly, while I accept that the works set out in Class Q can, in some instances, be extensive, in this case I find that based on the evidence that is before me, the works proposed to facilitate a residential use of the building would go beyond a conversion and would be so substantial as to amount to rebuilding. Thus, the proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and the appeal must fail.

Other Matters

11. I have had regard to previous appeal decisions that I have been referred to by the appellant. However, while these are noted, I have assessed the scheme that is before me on its merits, having regard to the particular circumstances of the case.

Conclusion

12. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR