
Appeal Decisions

Site visit made on 10 January 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal A Ref: APP/W0340/W/21/3280379

St. Gabriels Farm, The Ridge, Cold Ash, Thatcham, RG18 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended.
 - The appeal is made by Rivar Ltd (Mr James Bull) against West Berkshire District Council.
 - The application Ref 20/02026/PACOU, is dated 8 September 2020, was refused by notice dated 14 June 2021.
 - The development proposed is for the prior approval of change of use of agricultural buildings to 5 dwellings.
-

Appeal B Ref: APP/W0340/W/21/3280380

St. Gabriels Farm, The Ridge, Cold Ash, Thatcham, RG18 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Rivar Ltd (Mr James Bull) against West Berkshire District Council.
 - The application Ref 20/02062/COMIND was dated 1 September 2020.
 - The development proposed is described is to establish an access way (including a turning head) which links the driveways of the new dwellings created under the parallel Class Q Prior approval application, to the existing approved driveway and access track at the St Gabriels Farm site; To regularise improved site parking arrangements; To achieve proportionate extensions to some of the limited residential curtilages established for the new dwellings being approved under the Class Q Prior Approval application. To add additional drainpipes to the dwellings being approved under the Class Q Prior Approval application. For site landscaping improvements. For the demolition of a barn redundant following any approval of the parallel Class Q Prior application. For the creation of a paddock in place of the redundant barn being demolished. And the filling in of three slurry pits.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, together with any building operations reasonably necessary to convert the building. Appeal A relates to the proposed conversion of two of the Barns on site (Barns A and C) to a total of five dwellings.

4. Appeal B relates to development proposed in association with the proposed dwellings if approved to be developed from the existing barns. The Council did not determine the planning application before it was appealed. The main issues for Appeal B are based on the Council Statement of Case submission relating to these proposals.

Main Issues

5. The main issues for Appeal A are whether the proposed building operations would be considered reasonable to convert the agricultural buildings to dwellings and therefore whether the agricultural buildings are capable of functioning as a dwelling.
6. The main issue for appeal B is the effect of the development on the character and appearance on the landscape and wider area.

Reasons – Appeal A

7. In order to benefit from the permitted development right under Part 3, Class Q of the GPDO, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building.
8. The Planning Practice Guidance (PPG) explains 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. 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. As I observed on site, the current buildings are substantial and appeared in a decent state for agricultural barns. However, the works proposed are extensive and there is the question of whether the structure of the barns are sufficient to support the proposed works, especially following the demolition works proposed with new gables.
10. To address the issue of the structural integrity of the buildings in relation to the works needed to convert it to dwellings the appellant has submitted a structural report by 'Marbas'. This report concluded that the existing buildings are in a satisfactory condition and should be suitable for re-use as proposed, to residential under class C3. The report confirms that new independent internal structures will be introduced to support internal walls for example. Otherwise, the conversion should be able to be completed without the requirement for "major structural works" that would unduly impact upon the existing fabric.
11. However, whilst a professional opinion, this report was based on a visual inspection with some limitations. This includes that "roof areas not visible from ground level, or with the use of a 3 metre ladder, have not been inspected". There were also other parts of the structures not able to be assessed for various reasons, with it also unclear the full extent of those areas. Furthermore, there was no inspection of foundations, to which the Report concluded that "all things being equal" the foundations should perform satisfactorily as they have done for a number of years.
12. These limitations convey a situation where the positive conclusions of the Report are undermined to some extent. Indeed, the conclusion of the report

states that to complete the conversion “an intrusive survey and full structural analysis will need to be carried out for both buildings”, presumably to ensure that the existing structure is sufficient to support the works as proposed. I am not satisfied that this is only to assist at the construction phase and for Building Regulations purposes, with the appellant’s Statement of Case stating that it was needed to account for any “unanticipated matters” not identified by the visual inspection. The extent and potential severity of these unanticipated matters is not clear, especially when considering the limitations of the survey. This all indicates that the conclusions with the visual inspection needs to be assessed in more detail to be sure no additional building works would need to be undertaken above that detailed and anticipated with the Structural Report and Schedule of Works.

13. Defects have been detected with the Structural Report which may not themselves result in the need for major structural works. However, following my inspection, the extent of proposed works necessary, and the limitations as set out above with the Structural Report, I am not sufficiently satisfied that these buildings could be converted without more substantial structural reconstruction works being necessary before they could be used as dwellings. This is especially the case as there needs to be areas demolished and new gable walls constructed as part of the extensive works. The appellant states that the gables would be infill structures only, but there is no substantive detailed assessment in the Structural Report of how the new gables and demolition works may affect the existing structure of the barns.
14. Whilst the appellant states that there would not be any structural elements introduced, this seems to be primarily based on the Structural Report, which is not sufficiently robust evidence in my view due to its limitations with its assessment. Furthermore, the Structural Report only stated that “major” structural works would not be required in their opinion, which does not appear to rule out any lesser structural works being necessary. From the evidence provided by the appellant it has not been sufficiently demonstrated that the conversions as proposed with the schedule of works can be undertaken using the structures of the existing barns. Further structural or significant building works, if necessary, would potentially result in the development being more of a re-build than a conversion.
15. I acknowledge that the Case Officer for the Council did not recommend refusal of the application based on the extent of potential building works, but this is the assessment and judgement that I have made based on the evidence before me.
16. The onus is on the appellant to provide evidence that the existing buildings are already suitable for conversion to residential use, as set out by the Planning Practice Guidance (PPG). In this case, with the extensive works proposed, including demolition of sections and the proposal of new gable walls for example, the evidence relating to the existing structure is not sufficient for me to conclude that the buildings are already suitable for conversion or that building operations would only be to the extent reasonably necessary to convert the agricultural buildings.
17. In order to benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must only involve building operations reasonably necessary to convert the building in accordance with the definition

at Class Q(b). Based on the evidence before me and my own observations of the barn, it has not been robustly or sufficiently demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, so as to be permitted development under Class Q.

18. Given my conclusion that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or not prior approval would be required in relation to any of the conditions of Class Q, as it would not alter the outcome of the appeal.

Reasons – Appeal B

19. The proposal under this appeal is directly associated with the dwellings proposed with that under Appeal A. As can be seen from the above conclusion with Appeal A, I am not satisfied from the evidence before me that the barns can be converted to dwellings without going beyond building operations reasonably necessary for the development, as set out with the Permitted Development Class Q requirements. As such, this is a proposal for works within a countryside location to serve dwellings which do not exist or have any form of planning permission.
20. On this basis, there is a clear lack of justification for this countryside development, particularly the residential curtilages and parking areas. This is essentially aspects of a residential development in the countryside, though policy C1 states there is a presumption against new residential development outside of the settlement boundaries. These proposed residential curtilages would surround agricultural buildings and not residential units. They would result in the conversion of agricultural land to residential. The insertion of sizable domestic gardens and formal parking/turning areas in this agricultural setting would have an urbanising effect and have a harmful visual impact within the countryside with no sufficient justification.
21. The proposal would result in some benefits, such as the removal of slurry pits and the planning of a wildflower meadow, but all the benefits do not outweigh the harm identified.
22. As such, in these circumstances the proposal would have an adverse visual impact to the countryside setting of this site with no sufficient justification for this development. The proposal under Appeal B is therefore contrary to policies CS14 and CS19, of the Core Strategy and policies C1 and C8 of the Housing Site Allocations DPD. These policies require that development respects and enhances the character and appearance of the area, ensure the landscape character of the District is conserved and enhanced, and that extensions to existing residential curtilages will only be permitted where it can be shown that there is no adverse impact on the character and local distinctiveness of the rural area, amongst other things.

Conclusion

23. For the reasons given above I conclude that both Appeal A and Appeal B should be dismissed.

Mr S Rennie

INSPECTOR