
Appeal Decision

Site visit made on 11 April 2022

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/V3310/W/21/3286949

Land/Barn at end of Chilpitts Lane, Woolavington, Bridgwater TA7 8DS

- 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 appeal is made by Mr and Mrs Haggett against the decision of Sedgemoor District Council.
 - The application Ref 54/21/00011, dated 17 June 2021, was refused by notice dated 3 August 2021.
 - The development proposed is change of use of agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application form did not give a description of the proposed works, referring instead to the submitted drawings. I have therefore used the description given on the Council's decision notice in my header to this decision.

Main Issue

3. The main issue is whether or not 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 (GPDO).

Reasons

4. The agricultural building is located in a rural location at the end of Chilpitts Lane. The building is supported by a steel frame and has blockwork to the lower sections of some elevations with timber over. I will consider each elevation in turn.
5. The front (west) elevation has a non-symmetrical pitched roof with the left hand side (as seen from the front) filled in with blockwork surmounted by timber. The right hand portion is open. There is a further attached pitched section to the left which is open and at the time of my visit part of the northern section of this was missing.
6. Proposed work to this elevation would include the filling in of the right hand section with windows and cladding above a new brick plinth. The left hand side would see a new door, a new window, and new cladding again above a brick plinth. Half of the far left pitched section would also be removed, effectively

- leaving a canopy over a proposed patio. The submitted drawings indicate that this canopy would be supported by new brick pillars.
7. The north elevation currently consists of blockwork and timber. This would be replaced by a new door, two large and one smaller windows and cladding surmounted on a brick plinth.
 8. The east elevation is the reverse of the west elevation. The open section would be filled in with cladding and a brick plinth with a door and small window while the existing filled in section would have two doors, a small window and new cladding over a brick plinth.
 9. The southern elevation currently consists of timber cladding over blockwork. This elevation would be almost entirely replaced by a large folding patio door and two other near full height doors/windows, leaving four pillars finished in brick and cladding.
 10. The roof is currently metal sheeting and I have been given no definitive evidence to show that this would be retained. On the balance of probability it seems unlikely to me that it would be retained given the need for modern insulation requirements.
 11. Nor have I been given definitive evidence that any of the current sections of the elevations that contain blockwork and timber will be retained. The Supplementary Planning Statement (SPS) submitted by Tamlyns on behalf of the appellant indicates that this will not be the case as comment is made that *insulation will be required* and that *this will form part of the new walls*.
 12. Even if they were retained, the majority of the existing southern elevation and a considerable portion of the northern elevation would be replaced with doors and windows. It seems to me therefore that very little of the existing fabric of the building, other than the steel frame, would be retained. With respect to the latter, I note that, according to the Structural Inspection and Report on Conversion by Brian Jones (Structural Engineers Ltd), even this may require strengthening works to be carried out to the apex and eaves connectors. I also note that the SPS indicates that the floor will need to be upgraded with insulation and screed to bring it up to a residential standard.
 13. Section (a) of Schedule 2, Part 3, Class Q of the GPDO allows for a change of use of an agricultural building to a dwellinghouse. Section (b) of that Schedule allows for the building operations necessary to convert that building. Both sections are subject to a number of criteria. Criterion (i) makes clear that a development would not comply with the regulations if it consisted of building operations other than the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary (my underlining) for the building to function as a dwellinghouse.
 14. This latter point is reinforced in the Planning Practice Guidance (PPG)¹ which states that *the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling*.
 15. My attention has been drawn to a High Court Decision² where the Judge concluded that the building must be capable of conversion (my underlining) to

¹ Paragraph 105 Reference ID: 13-105-20150305

residential use without operations that would amount to either complete or substantial re-building of the pre-existing structure, or in effect, the creation of a new building.

16. Given my findings above, and taking into account the limited building materials that would be left from the existing barn, I consider that the extent of the works necessary to create the proposed dwelling would be so significant that it could not be construed to be a conversion. Furthermore, it would be outside of the extent of what could be considered to be reasonably necessary for the building to function as dwelling. The works would therefore be so significant that they would fall outside of those allowed by Class Q of the GPDO.
17. My attention has been drawn to several previous Class Q decisions, both by local planning authorities and at appeal. However, all cases must be decided on their own merits and I have not had the full details of these other schemes put before me and am not therefore in a position to decide if any of them form a compelling precedent for allowing the present appeal.

Conclusion

18. I have found that the proposed works would not comply with the relevant criteria of Section (a) of Schedule 2, Part 3, Class Q of the GPDO by virtue of the extent of the works required to create the proposed dwelling. I therefore conclude that the appeal should be dismissed.

John Wilde

INSPECTOR

² Hibbitt and another versus Secretary of State for Communities and Local Government and Rushcliffe Borough Council