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# Appeal Decision

Site visit made on 20 April 2022

**by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 April 2022**

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**Appeal Ref: APP/P3040/W/21/3284200**

**Building and Land At Browns Lane, Stanton on the Wolds, Keyworth, Nottinghamshire NG12 5BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter 'the GPDO').
  - The appeal is made by Mr E Elliott against the decision of Rushcliffe Borough Council.
  - The application Ref 21/01604/PAQ, dated 16 May 2021, was refused by notice dated 12 July 2021.
  - The development proposed is conversion of agricultural building to a single dwelling house.
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## Decision

1. The appeal is dismissed.

## Reasons

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for a change of use of a building and any land within its curtilage from agriculture to residential, and for building operations reasonably necessary to convert the building to a dwellinghouse, subject to limitations and conditions.
3. Therefore, to benefit from this, the development must firstly comprise a conversion not a rebuild. As recognised in *Hibbitt v SSCLG* [2016] EWHC 2853, to which both parties refer, this is a matter of planning judgement depending on the particular circumstances of the case.
4. In this case, the existing building is a steel portal framed building. It is enclosed on three sides by block walls with fibre cement cladding (timber cladding on the northeast elevation) above. The same fibre cement sheeting is used on the roof and the floor is mostly concrete. From my site visit the condition of these materials seemed good. The steel frame was not corroded, the block walls were complete and, aside from a few gaps in the roof, the cement and timber cladding was intact.
5. However, the plans show that all the existing cladding on the sides of the building would be removed and replaced with new vertical timber cladding. Consequently, this leaves just the frame, less than half the external walls and most of the roof, that would be reused.
6. New works would mainly involve the provision of a wall along most of the west elevation which, aside from some cladding at the apex of the roof, is currently

open. In addition, the amount of new timber cladding would be extensive and would need to be affixed to a new external wall, but it is not known if the blockwork underneath would be sufficient to support it. Also some new blockwork would be required in the eastern end of the southeast elevation where there is currently a gate. The roof would need repair and the parts of the floor that are not concrete, specifically that along the southeast side of the building, would need upgrading.

7. I accept that the steel frame may be able to structurally support the proposed works, that the existing elements would contribute much to the new dwelling, and some of the internal works may not be development at all. Furthermore the GPDO does allow for the provision of walls and roofs. However, overall, I consider the totality of all the alterations is significant and would mean that the works go beyond mere conversion. As such the development would not fall within Class Q.
8. Secondly, in terms of defining 'building operations reasonably necessary', the case of *Hibbitt* held that this simply means that any such works are not superfluous and unnecessary.
9. The GPDO allows for the provision of windows and doors. The proposal would involve the insertion of window and door openings to all four sides and some rooflights to the southeast facing roof slope. The rooflights, as well as the windows to be provided at ground floor level, are reasonably necessary to light the development given the large size and rather square plan of the building.
10. The northeast and southwest elevations would also have large amount of glazing inserted above ground floor level. The floor plan shows that all rooms would be well served by windows at ground floor level. In particular the large kitchen/dining/living area and the master bedroom would be served by large glazed doors on the northwest side, and the study would be served by glazed doors on the northeast elevation. As such, the provision of glazing above ground floor level would be superfluous and is not reasonably necessary.
11. Therefore, overall, the development would not constitute permitted development under Class Q of Part 3 to Schedule 2 of the GPDO.

### **Conclusion**

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

*Andrew Owen*

INSPECTOR