



Appeal Decision

Site visit made on 17 May 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2022

Appeal Ref: APP/K0235/W/21/3283941

Sharpes Barn, Kimbolton Road, Hail Weston PE19 5JX

- 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr R. Squire (P Squire Ltd) against the decision of Bedford Borough Council.
 - The application Ref 21/01948/CPNR, dated 9 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a prior notification for change of use from an agricultural building to a flexible use within Use Classes B8, C1 or E.
-

Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the prior notification for change of use from an agricultural building to a flexible use within Use Classes B8, C1 or E at Sharpes Barn, Kimbolton Road, Hail Weston PE19 5JX.

Application for costs

2. An application for costs was made by Mr R. Squire (P Squire Ltd) against Bedford Borough Council. This application is the subject of a separate decision.

Procedural Matter

3. The Council amended the description of the development from 'change of use and associated building work to convert barns to commercial use including recladding, reroofing, formation and installation of new window and door openings and connection of services' to 'prior notification for change of use from an agricultural building to a flexible use within Use Classes B8, C1 or E'. The appellant has also used the revised description on the appeal form. I consider that the amended description represents a more succinct summary of the proposals and have therefore proceeded on this basis.

Main Issue

4. The main issue relevant to this appeal is whether the proposed development would represent permitted development.

Reasons

5. The appeal site consists of a series of interconnected barns that are currently in need of some maintenance works. The appeal site is located within the

countryside. There are a few buildings located within the vicinity of the appeal site.

6. Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) grants planning permission for the change of use of developments as set out above. However, this is subject to conditions. These include restrictions regarding the previous use of the building proposed for conversion and the dates on which the building was utilised for its previous purpose, in addition to other criteria, including the size of the building. The evidence before me indicates that the Council does not believe that the proposed development conflicts with these criteria. I have no reason to disagree.
7. However, prior to development commencing, it is necessary to apply for the prior approval of the Council. This process should take into account matters pertaining to issues such as transport, highways, noise, contamination and flood risk. I also understand that the buildings have most recently been used for agricultural purposes.
8. The evidence contained within the appeal documentation is indicative that there would be no harm to these matters and having visited the site, I have no reason to conclude that the proposed change of use would result to harm to the matters included on the prescribed list of criteria included within the relevant section of the GPDO.
9. Class R allows for the change of the use of the buildings only. It is clear in the GPDO that if external alterations are desired, these would require an application for planning permission. The appellant has clarified that the resultant appeal was submitted to cover the principle of the change of use only, rather than to undertake alterations to the buildings.
10. I recognise that the building's condition is such that work may be required in order to facilitate the proposed change of use. However, the buildings are in situ and have a discernible mass and structure. Therefore, the works that are likely to be required in order to facilitate the proposed change of use would be expected to comprise repairs and renovations, rather than a demolition and reconstruction of the buildings.
11. Such works might include the amendments to some of the walls of the buildings and replacement floors. However, these works would not necessarily result in the formation of a new building and therefore, the development before me can still be reasonably considered to be a conversion.
12. Therefore, notwithstanding the concerns raised by the Council regarding the current condition of the buildings, the proposed development would be in conformity with the GPDO in this regard.
13. The Council nevertheless refused the application for prior approval, being of the view that the buildings in question are possibly incapable of conversion without rebuilding. The appeal buildings are substantial in nature and are of a permanent construction. Should external alterations be required, planning permission would potentially be needed. It is at this point that the Council could consider building works and ascertain whether they would be appropriate or amount to rebuilding.

14. My attention has been drawn to a number of other legal interpretations in respect of the interpretation of another class of the GPDO. However, the class that I have been referred to (Class Q) has different criteria and powers. Therefore, such legal interpretations cannot be given a significant amount of weight in my assessments. Furthermore, it is clear that an assessment of a proposal pursuant to Class R does not include a consideration as to the building's condition. Therefore, these points do not overcome, or outweigh, my previous observations.
15. In result, given that I have identified that the development is in conformity with the requirements of the GPDO, I am unable to apply different criteria for the assessment of the proposed development.
16. I therefore conclude that the proposed development is in conformity with the GPDO and is, therefore, permitted development.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be allowed.

Benjamin Clarke

INSPECTOR