
Appeal Decision

Site visit made on 24 May 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2022

Appeal Ref: APP/N2739/W/21/3287852

Land East of Barlow Road, Barlow Road, Barlow, Selby YO8 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by D Habron against the decision of Selby District Council.
 - The application Ref 2021/0992/ATD, dated 9 August 2021, was refused by notice dated 6 October 2021.
 - The development proposed is prior notification for conversion of agricultural building to single dwelling under Part 3, Class Q of the General Permitted Development Order (GPDO) 2015.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) states that 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) together with building operations reasonably necessary to convert the building is permitted development, provided that the criteria set out within paragraph Q.1 are met.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted.

Reasons

4. The existing building comprises of various parts, but it is proposed that the south-west and north-west sections would be demolished to leave a steel framed barn.
5. The building would then be a largely open sided building, with no walls and no ground slab, which is instead located beneath a section which would be demolished.
6. The structural inspection¹ within the evidence references a significant inventory of works that would be required. Firstly, new foundations would be required to new walls. Given that the building at the outset of the works would be without

¹ Structural Inspection – Beam Consulting – 12th August 2021.

walls, the foundations would have to be extensive and to all sides of the building.

7. Further works would be required which would include installation, replacement, or repair of ground level flooring. Given that the evidence indicates that there is no flooring, a complete flooring installation would appear to be required.
8. The proposal would also involve the reinstatement and renovation of areas of defective wall and roof cladding as well as an extent of timber member replacement.
9. However, government planning guidance² advises 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.
10. It goes on to advise that 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.
11. In this instance, the existing building would not be suitable for conversion to residential use. Being particularly mindful of the extensive new structural provision required, the proposed works would amount to the substantial rebuilding of the pre-existing structure.
12. The proposed development would therefore be outside of the remit of Class Q of the GPDO which only permits building operations reasonably necessary to convert the building.
13. Further, the evidence references that the land was purchased by the applicant after March 2013 with the previous use being as part of a sheep farm. However, there is nothing within the evidence which assures me that the site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
14. Therefore, to conclude, the proposed development would be outside the remit of Class Q of the GPDO. Even if that were not the case the developer has provided insufficient information to enable me to establish whether the proposed development complies with the limitations and restrictions under Q.1 of Class Q.

Conclusion

15. For the reasons outlined above, the appeal is dismissed.

T J Burnham

INSPECTOR

² Planning Practice Guidance Paragraph: 105 Reference ID: 13-105-20180615