



Appeal Decision

Site visit made on 31 May 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 8 June 2022

Appeal Ref: APP/L3815/W/21/3288722

Johnsons Barn, Mill Lane, Sidlesham, CHICHESTER PO20 7NA

- 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 and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr G Torrance against the decision of Chichester District Council.
 - The application Ref SI/21/01163/PA3Q, registered by the Council on 15 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is "Class Q(b) Application for Prior Approval - Change of Use of Agricultural Building from Agriculture to 1no Dwelling (C3 Use Class)".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development falls within the terms of the permitted development right in Schedule 2, Part 3, Class Q,
 - the effect that the proposal would have on the character and appearance of the surrounding area, and
 - the effect that it would have on the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbour SPA.

Reasons

Permitted development

3. The permitted development right in Schedule 2, Part 3, Class Q(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of an agricultural building and any land within its curtilage together with building operations reasonably necessary to convert to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, subject to the limitations and conditions set out in paragraphs Q.1 and Q.2 of that Class.
4. Planning Practice Guidance advises that the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and

would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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. Therefore, 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.

5. The low pitched roofed 4 bay appeal barn includes 5 single span steel angle trusses on concrete columns and a concrete floor. The lower parts of the 3 external walls are fairfaced blockwork infilled to the frame. From the plans and representations, the barn was roofed and enclosed from floor to eaves on 3 sides, and the fourth roughly north west facing side was open up to the eaves. The upper parts of the walls and roof were clad in a mixture of composite and metal profile sheet cladding supported on timber purlins/rails.
6. The main parties' photographs show the inside of the roughly south west gable end with the cladding in place. By my visit, most of the cladding and timber rails below eaves level in that gable end had been removed. An interested party says that the cladding had blown off, but no explanation for this change in circumstances has been put to me by the appellant.
7. The proposed conversion to a larger dwellinghouse would include partition walls and mezzanine floors in only the 2 outer bays. Most windows and all external doors would be sited within new infill to match the existing barn in its present open side. There would be no openings in the existing blockwork and only 3 windows in the cladding to light bedrooms in the upper floors. Whilst the general arrangement of the barn would be suitable for conversion to a dwelling, little technical information about the suitability of the existing building fabric, including the supporting purlins/rails for the roofing/cladding, has been put to me by the appellant.
8. The appellant's structural engineer's report (report) dated March 2021 says that the existing building is to good line and level. It concludes that the structure of this building is suited to the proposed domestic conversion and is adequate without alteration, and, given that other aspects of the regulations can be satisfied, the proposed conversion is entirely reasonable and feasible.
9. However, the report states that the inspection was of a visual nature only without recourse to exposure of concealed elements of the building. Because 2 of the columns in the open north west side are partly encased in timber and one is also partly patched up with mortar/render, the condition of the covered parts of those columns has not been assessed. There are also, amongst other things, cracks in the blockwork that are not referred to in the report or dealt with elsewhere in the appellant's representations. So, whilst the report advises that protective coatings to exposed concrete surfaces should be allowed for, it does not explain whether at least one of the columns, where the concrete has spalled and the reinforcement is exposed and has corroded, would need to be repaired or replaced.
10. Development is not permitted by class Q if - (i) the development under Class Q(b) would consist of building operations other than - (i) the installation or

replacement of – (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i). So, the repair or replacement of one or more of the affected columns could fall outside the limitations of Class Q.

11. Therefore, because there is insufficient evidence to show that the existing building is capable of functioning as a dwelling, and that the proposed development would not amount to rebuilding, I am unable to conclude that the proposed development falls within the terms of the permitted development right in Schedule 2, Part 3, Class Q of the GPDO.
12. Even so, for completeness, I shall consider the other main issues.

Character and appearance

13. The irregular shaped appeal site is situated roughly south west of a group of dwellings reached from an unclassified lane off the bend where the stretch of Mill Lane from the B2145 turns towards the mill pond and the quay. To roughly south is a good-sized arable field partly bounded by hedgerows and trees within the surrounding mostly flat open countryside by Pagham Harbour. To roughly west are trees within and edging the grounds of The Old Poor House, with an arable field beyond, to roughly north east is The Stables, with Johnsons Cottage beyond it, and to roughly east is Willow House (formerly Yeomans).
14. The Old Poor House, The Stables and Johnsons Cottage are within the Sidlesham Quay Conservation Area, and all are identified as positive buildings in the Conservation Area Character Appraisal. The site and the gardens of Willow House are outside the Conservation Area but within its setting.
15. Due to its simple modern form, scale, agricultural appearance, and its siting, close to the cluster of buildings, the barn is important to the rural character of the countryside within the setting of the Conservation Area close by. The conversion of the barn to a dwelling would change its appearance. Even so, its garden, no larger than the floor area of the barn, would be within the yard next to the north west side of the dwelling, so it would be largely screened by the building in views across the field. There would be one low-key first floor window in the south west side of the barn and 2 more in its longer south east side, both of which face the field, and none in its north east side facing The Stables and Willow House. The openings in the north west side of the barn would be similarly simple and understated, and their pattern and proportions would reflect the rhythm in its bays. So, nearly all of the rural character and agricultural appearance of the barn would be sustained.
16. Because the converted barn would be in keeping with the intrinsic character of the countryside, the setting of the Conservation Area, which contributes positively to its significance as a historic settlement, would also be preserved. So, the design and external appearance of the proposal would be acceptable.
17. Thus, I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy the National Planning Policy Framework which seeks to achieve well-designed places and for development to be sympathetic to local character, including the surrounding built environment and landscape setting.

SPAs

18. The site falls within the 5.6 km zone of influence of the Chichester and Langstone Harbours SPA and within the 3.5 km zone of influence of the Pagham Harbour SPA. In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
19. The proposed development would increase the number of people living near the SPAs. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPAs due to increased recreational disturbance. Because the proposal is not directly connected with or necessary for the management of the SPAs, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPAs in view of their conservation objectives. I could only grant prior approval if I were to ascertain in that appropriate assessment that the integrity of the SPAs would not be adversely affected. However, as there is insufficient evidence to show that the proposed development would be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment.
20. The appellant says that financial contributions towards the provision of access mitigation measures in respect of the Chichester and Langstone Harbours and Pagham Harbour SPAs would be made, but there is no completed planning obligation before me to secure them.
21. Thus, I consider that the proposal would be likely to have a significant adverse effect on the integrity of the SPAs. It would be contrary to the Habitats Regulations, and so the proposed development would not benefit from planning permission granted by Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

22. I have found that the design and external appearance of the proposal would be acceptable. However, as there is insufficient evidence to show that the proposal would fall within the terms of the permitted development right, and as the proposal would be likely to have a significant adverse effect on the integrity of the SPAs, the proposed development would not be acceptable.
23. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR