



Appeal Decision

Site visit made on 22 July 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 26th July 2022

Appeal Ref: APP/Y2620/W/22/3291300

Existing piggery situated south west of Holt Road, adjacent to Ash Farm, Field Dalling, Norfolk NR25 7LE

- 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 (GPDO).
 - The appeal is made by Alma Residential Property Ltd. against the decision of North Norfolk District Council.
 - The application Ref PU/21/2478, dated 14 September 2021, was refused by notice dated 8 December 2021.
 - The development proposed is conversion of existing piggery to create one dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would be permitted under Class Q of the GPDO.

Reasons

3. The proposal relates to a low-height, rectangular plan piggery building occupying a field adjacent to a farmstead on the edge of Field Dalling. The piggery is of a steel frame construction which supports a shallow pitched roof and sides, clad with fibre cement sheeting other than where there are windows. Internally there is also partial height blockwork walling.
4. Class Q of the GPDO permits development consisting of a change of use of an agricultural building to Class C3 (dwellinghouses) together with building operations reasonably necessary to convert the building, subject to the further provisos and limitations set out in that section. The Planning Practice Guidance (PPG) provides some clarification over what such building operations might comprise for the change of use to be permitted under Class Q. It makes clear that this assumes the agricultural building is capable of functioning as a dwelling.
5. Paragraph 105 of the PPG¹ states that the reasonably necessary operations to convert the building may include those which would affect its external appearance and would otherwise require planning permission. It continues by confirming that these include the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the

¹ Paragraph: 105 Reference ID: 13-105-20180615 Revision date: 15 06 2018.

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.

6. However, paragraph 105 also makes it clear that, as it is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion to residential use, it is only where the existing building is already suitable for this that it is considered to have the permitted development right. The paragraph refers to the 2016 High Court judgment in the Hibbitt case² for a discussion of the difference between conversions and rebuilding.
7. Prior to this judgement, the 2015 version of PPG paragraph 105 had concerned itself with the structural capability of the agricultural building for residential conversion, rather than its more general suitability. I agree with the appellant that the change in wording indicates a decision by Government to move away from a focus on structural factors to whether, more broadly, a proposal amounts to a conversion rather than a rebuild. However, I do not agree that this lessens the relevance of the Hibbitt judgment, on the basis this had reflected the wording in the replaced 2015 paragraph 105. On the contrary, I consider that the 2018 revision was made to ensure the PPG reflected this judgement, given specific reference is made to it.
8. The Council cites an earlier Class Q appeal decision³, relating to a somewhat similar case elsewhere in North Norfolk District at Skeyton, which had been dismissed on 26 March 2018. In that case, the Inspector had considered the implications of the Hibbitt judgement but not the current June 2018 PPG revisions, which had yet to be published.
9. The appellant considers that the Council is relying on an appeal where the Inspector had misapplied the findings in Hibbitt, where the challenge had related to an agricultural building of a more skeletal structure compared to the more fully clad buildings in either the earlier Skeyton case or this one in Field Dalling. However, both these North Norfolk cases involve similar wholesale re-cladding of skeletal steel frameworks and so, regardless of the buildings' pre-existing enclosed nature, each of the schemes involve a significant degree of rebuild.
10. I have considered my colleague's conclusions in the Skeyton case but cannot see how these misapply the Hibbitt judgment. Neither this nor the revised 2018 PPG assist the appellant in this current case. The piggery conversion would involve the replacement of the fibre cement sheeting that comprises the walls and roof of the existing building. Full re-cladding is then required both to improve the aesthetic appearance of the development and, more crucially, meet the thermal insulation requirements of the Building Regulations for human habitation.
11. Whilst the existing steel framework might take the load of this re-cladding, following the 2018 revision this is no longer the central concern of PPG paragraph 105. To my mind, the requirement to completely replace the existing wall and roof coverings of the piggery is indicative of the existing

² Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

³ Appeal Ref: APP/Y2620/W/17/3185547 Willow Farm Barn, Swanton Abbott Road, Skeyton, Norwich NR10 5AU

building not being already suitable for conversion to residential use, which the revised 2018 PPG paragraph 105 makes the prerequisite for benefitting from the Class Q permitted development right.

12. With reference to the Hibbitt judgment, the complete re-cladding would in all practical terms amount to building works starting afresh, with only a modest amount of help from the existing piggery through support from its internal steel framework. On this basis, I consider that this proposal would be akin to a complete rebuild and not the residential conversion of an agricultural building on which the permitted development right depends.
13. The appellant refers to this re-cladding being allowable under agricultural permitted development rights. However, I can find nothing in the GPDO to the effect that Class Q applies not just to the existing agricultural building but also to how it might notionally be altered under separate permitted development rights.

Conclusion

14. I conclude that the building operations proposed exceed what would be reasonably necessary to convert the piggery building to create one dwellinghouse. On this basis, this proposal would not comprise development permitted under Class Q of the GPDO. As a consequence, the appeal is unsuccessful.

Jonathan Price

INSPECTOR