
Appeal Decision

Site visit made on 26 July 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/D0840/W/22/3292152

Barn at land North of Higher Welby, Access to West Curry, Boyton, Launceston, Cornwall PL15 8NS

- 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 (as amended).
 - The appeal is made by Mrs H Gosling against the decision of Cornwall Council.
 - The application Ref PA21/10486, dated 19 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is described as a 'Class Q conversion of existing barn'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the Order, having regard to the extent of the proposed building operations and the requirements of Class Q(b) and paragraph Q.1(i) of the Order.

Reasons

Extent of building operations

3. Class Q(b) of the Order permits building operations reasonably necessary to convert the relevant building to a use falling within Class C3 dwellinghouses. It further states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
4. Permission under Class Q is conditional upon the developer first applying to the local planning authority for a determination as to whether its prior approval would be required as to the matters set out in paragraph Q.2(1) of the Order. However, paragraph W(3) of the Order stipulates that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with any conditions, limitations or restriction specified as being applicable to the development in question. The parties disagree as to whether the building operations proposed in this instance would fall within the scope of the works permissible under Class Q of the Order.

5. The agricultural building in question is a functional rectangular structure stated likely to have been a former grain store or similar. The lower section of the structure has a substantial cast concrete base wall on a concrete floor slab. By comparison the upper portions of walling and monopitch roof are more lightweight and comprise of metal corrugated cladding on a frame encompassing a combination of steel posts (thought to be hollow) and timber. The longer elevations are enclosed whereas the two shorter elevations contain large openings.
6. The appellant lists the proposed external changes to the building within their statement¹. This includes the insertion of matching metal clad walling and new fenestration into the open areas of the north and south elevations. The roof material would be replaced using zinc and the existing concrete walling would be rendered. It is stated² that the exterior walls would be retained in their entirety which is consistent with the proposed elevations which show the retention of metal cladding to the east and west elevations.
7. The submitted structural report³ prepared by a qualified engineer describes the steel and timber superstructure of the building and comments on the condition of the concrete walls, floor slab and cladding. It concludes that the barn is in relatively good condition and has a robust structure such that it can be converted for use as habitable space with minimal additional construction works.
8. However, the report goes on to say that it is 'thought' that no structural work would be required to the steel and timber superstructure of the building. Moreover, the internal envelope of the building would need to be lined with timber framing or similar and it is 'likely' that this can be constructed off the original concrete slab. Assuming that timber framed walls would be used to infill the north and south elevations, then it is stated that the existing walls and slab 'should have suitable capacity' to support them without structural upgrading. As such, the conclusions contained in the report are somewhat equivocal rather than definite, and there is limited specification of the proposed works or their extent within the report itself. There is also an absence of structural calculations to reinforce the qualified conclusions. Consequently, I cannot agree with the appellant's contention that it amounts to a robust structural report, rather it is closer to an informed opinion. This tempers the degree of weight I attribute to it.
9. Planning Practice Guidance (PPG)⁴ advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, clarifying that it is not the intention of the permitted development right in Class Q(b) to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. In this respect the PPG refers to relevant case law⁵ to which I have had regard. Moreover, whilst the PPG confirms that appropriate internal structural works to provide upper floors, or internal walls are not prohibited under Class Q, it still remains the case that it is only where the existing

¹ Paragraph 2.3

² Paragraph 4.3, Appellant's Statement of Case

³ Prepared by Martin Perry Associates dated October 2021

⁴ Paragraph 105 Reference ID: 13-105-20180615 revision date 15.06.2018

⁵ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin)

building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

10. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore, if a development does not amount to a conversion, then it fails at the first hurdle, even though the building operations may fall within those listed in paragraph Q.1(i). Furthermore, whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
11. In this case, having regard to the structural report provided, doubt remains as to whether the existing building would have suitable capacity to withstand the proposed works without additional structural intervention to the timber and steel superstructure or original concrete floor slab⁶. Furthermore, there would be a new roof covering and new infill walls and fenestration to the north and south elevations.
12. Moreover, proposed internal alterations include timber framing to support plasterboard finishes and insulation, the provision of an upper floor, ceiling and partition walls to form rooms. Although PPG confirms that internal works are not generally development, these contribute to the overall building operations proposed to provide the dwelling in this case. Taken cumulatively, I judge the works would be extensive rather than minimal and there would be a substantial amount of new built fabric.
13. Consequently, I find that the cumulative extent of the works proposed to facilitate the residential use would be extensive and of such magnitude that they would go beyond what might reasonably be described as a conversion. Therefore, I find that the development proposed would go beyond building operations reasonably necessary to convert the building in question into a dwellinghouse and as such, would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order.

Other matters

14. Given my finding that the proposal would not be development permitted under Class Q of the Order, there is no need for me to consider whether or not prior approval would be required for the matters specified in the Order as it would not alter the outcome of the appeal.

Conclusion

15. For the reasons given and based on the evidence presented, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal, is therefore, dismissed.

Helen O'Connor

Inspector

⁶ Paragraphs 4.3, 4.4 and 4.5, Structural Report prepared by Martin Perry Associates