



Appeal Decision

Site visit made on 5 July 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2022

Appeal Ref: APP/P1805/W/21/3289283

Moonshine Farm, Whitepits Lane, Portway B48 7HR

- 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 Mrs Lisa McInerney against the decision of Bromsgrove District Council.
 - The application Ref 21/00655/CUPRIO, dated 20 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is described as "conversion of existing agricultural barn utilising existing building without additions located in farm yard of Moonshine Farm. The site is accessed via an existing private driveway serving the farm. Adequate light available utilising existing openings."
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) for the conversion of existing agricultural barn to 1 dwellinghouse at Moonshine Farm, Whitepits Lane, Portway B48 7HR in accordance with the terms of the application, Ref 21/00655/CUPRIO, dated 20 April 2021. The application is subject to the conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W.

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. It differs from that on the decision notice which is 'conversion of existing agricultural barn to 1 dwellinghouse'. My decision is based on this description, since it more accurately described the proposal. It is also shown on the appeal form, so the appellant would not be prejudiced by my use of it.

Main Issues

3. There are two main issues, these are:
 - Whether the extent of the required building operations would be reasonably necessary to carry out the conversion of the building; and

- Whether the design or external appearance of the building would be acceptable.

Reasons

Building Operations

4. The appeal building is an agricultural barn with a pitched roof and gable end walls. The walls are constructed from concrete blocks between steel stanchions and covered with cladding. The roof structure is covered with plain clay tiles. At the time of my site visit the walls seemed to be in good condition and enclosed all sides of the building. The building's ground floor appeared to be made of concrete and was also in good condition, providing a solid foundation. The roof structure was in a reasonable state, but a section of the roof had suffered damage from a fallen tree.
5. The Structural Report (dated 19/07/21) indicates that the building as a whole is structurally sound and capable of withstanding any domestic loading at first floor level without further strengthening or major rebuilding. The report also indicated that the roof rafters and ridge beam were in good condition, with only small signs of deterioration. The roof structure is suitable and stable enough to have a clay tiled covering with finished ceilings. Overall, the report concluded that the barn was capable of supporting itself and the structural elements were of a good standard and constructed using adequate and in some places over engineered materials and profiles. As the report was undertaken by a qualified engineer, I have no reason to disagree with its conclusions. Indeed, the Council have not provided any compelling evidence to the contrary.
6. The proposal would require alterations to the building's outer fabric. This would include the removal and replacement of the cement board cladding that covers the exterior of the block walls. Albeit the block work would stay. This is necessary as it is thought that the cladding may contain asbestos. In addition, the tree damaged section of roof would need repairing. The appellant has confirmed that the roof repair work would include the reinstatement of the original clay tiles.
7. As part of such a conversion Class Q.1(i)(i)(aa) allows for the installation or replacement of external walls and roofs, where they are reasonably necessary for the building to function as a dwellinghouse. In particular, Class Q allows for the erection of new walls and so, the replacement of the external cladding would be within the scope of Class Q and would be necessary for health and safety reasons due to the potential risk of asbestos. Similarly, the roof repair falls within the scope of Class Q and would use existing materials. Taking this and the fact that the building is structurally suitable for conversion into account, the replacement of the external cladding and roof repair would be reasonably necessary. Consequently, these external works to the buildings outer fabric would not represent a fresh new build.
8. Based on the evidence provided, I am satisfied therefore that the structural integrity of the building is sound and would form an integral part of the new dwelling. The building operations would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GDPO.

Design or Appearance

9. The barn is a simple structure of utilitarian design. It is adjacent to the access driveway that serves the farmhouse and the yard. The surrounding area is rural.
10. The external appearance of the building would have only modest changes to it, with existing roof tiles to be retained and the external wall cladding to be replaced. The proposal includes the reopening of the original window and door apertures. I observed on my site visit that these existing fenestration openings at ground floor level had been boarded over by the owner to weatherproof the building. Although I was not able to observe the two existing first floor window openings, they are shown on the existing plans submitted with the appeal. However, the proposal would include 4 new rooflights of modest size.
11. Class Q.1(i)(i)(aa) allows for the installation or replacement of windows and doors. Therefore, the reopening of these existing window and door apertures and the introduction of 4 new rooflights would fall within the scope of Class Q. Whilst the proposal's UPVC glazed windows and doors would result in a more domestic appearance, their simple design and size would be acceptable in the context of the building as a whole and its arguably less traditional design and appearance. They would not harm the rural character of the barn or the surrounding area. Furthermore, there are limited public views of the barn, due to its separation distance from the road and the existing screening from mature trees and vegetation.
12. Consequently, the alterations to the external appearance of the building would be acceptable. The proposal would therefore comply with the National Planning Policy Framework to seek high quality design and the criteria of Class Q.2(1)(f) of the GDPO would be satisfied.

Other Matter

13. I note the appellant's concern regarding the Council's procedure in dealing with the prior approval application and not undertaking a site visit. However, that is not a matter for my consideration in the context of this appeal decision. Any concerns regarding this matter should be directed to the Council.

Conditions

14. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W. I do not see the need for any further conditions.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

Helen Smith

INSPECTOR