



Appeal Decision

Site visit made on 15 July 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/J1860/W/22/3294191

Woodend Farm, U64615 Broadwas, Broadwas, WR6 5NS

- 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.
 - The appeal is made by Duncan Kent against the decision of Malvern Hills District Council.
 - The application Ref 21/02343/GPDQ, dated 24 December 2021, was refused by notice dated 18 February 2022.
 - The development proposed is described as '*proposed change of use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development*'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) for a change of use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development, at Woodend Farm, Broadwas, Worcester WR6 5NS in accordance with the terms of the application, Ref 21/02343/GPDQ, dated 24 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plan, Drawing No. 211073-0003; Proposed Plans and Elevations, Drawing No. 211073-0001; and Proposed Plans with Dims 211073-0002.

Procedural Matter

2. The description of development in the banner heading above is taken directly from the Council's Decision Notice. This more accurately reflects the development proposed than that set out in the planning application form. Accordingly, I have determined the appeal based on the Council's description of development.

Main Issue

3. The main issue is whether the proposal would be permitted under, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO).
4. In particular, it is necessary to consider the following criteria of Class Q:
 - Whether the required building operations are to the extent reasonably necessary to carry out the conversion of the building (Q.1 (i)); and

- The effect of the design and external appearance of the proposed development on the character and appearance of the surrounding rural area, including its effect on the setting of a Grade II listed building (Q2 (1) (f)).
- 5. There is no dispute that the other criteria of Class Q are satisfied. Consequently, there is no need to give them further consideration in this decision.

Reasons

Building Operations

6. The appeal building is a single storey Dutch barn, with a steel portal frame and solid concrete floor. The bays of the barn, for the most part, are enclosed by concrete blockwork to a high-level. A large proportion of the barn, including its roof, is clad with metal corrugated sheeting. There is an existing lean-to structure on the barn's end elevation that is also considerably clad in corrugated sheeting.
7. The GDPO 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 dwelling house. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
8. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
9. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention though has been drawn to *Hibbit*¹, which considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. The case reinforces that it is a matter of planning judgement as to the level of works involved that would still constitute a conversion. However, it was established that the building should be capable of conversion without new structural elements, and the existing building should be sufficiently robust to bear the loading from external works.
10. The appellant has provided both a structural survey of the existing building and structural calculations for the proposed development. These demonstrate that the building's steel frame is in a good condition and does not require strengthening to accommodate the proposal. Similarly, the concrete floor slab was also identified as having capacity for the proposed development loads. At the time of my visit the walls, roof and substructure all appeared in reasonably

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

good condition. No substantive evidence has been provided that challenges the appellant's structural findings. From the evidence before me, and my on-site observations, I therefore find that the building, particularly its framework, is structurally sound.

11. Alongside the structural frame and substructure, the proposal also involves retention of a substantial extent of existing block walls, which have been highlighted as non-structural and therefore suitable for incorporating openings. The demolition of the lean-to element of the building, would amount to partial demolition and does not impact on the structural requirements for the proposal. This partial demolition is also considered reasonably necessary to allow for a suitable opening to be provided to the proposed dwelling.
12. The proposal also seeks to introduce significant new elements, including insulated metal cladding to the roof and below eaves level to each elevation. Additionally, new areas of glazing to each elevation are also proposed to serve habitable rooms within the proposed dwelling. Nevertheless, these works would fall within the scope of Q1(i) of the GPDO.
13. From the evidence provided, I am satisfied that the structural integrity of the building is sound and that it would be maintained to form an integral aspect of the new dwelling. Despite the Council's concerns regarding the totality of the works, I consider that they do not exceed those permitted under Class Q.1(i) of the GPDO.

Design and External Appearance

14. The existing barn has a simple agricultural appearance. Despite its structural soundness, the building has a generally poor external appearance. This is due to the mis-matching nature and significantly weathered condition of the corrugated metal sheeting that defines its external appearance.
15. The proposal demonstrates alterations to the appearance of the building that are permitted under Class Q to allow its conversion to a dwellinghouse. These proposed changes would largely maintain the fundamental form of the building, albeit its overall scale would be reduced. The development would also continue to utilise external materials appropriate for its rural environment, whilst improving the building's general condition.
16. The introduction of new openings and windows would result in a more domesticated appearance. However, the largest area of glazing is proposed to be introduced into the barn's existing sizeable openings, of which there are limited public views. Further proposed openings, would face onto the public highway, however, these are limited in number and scale, whilst being of a simple design, thereby reducing their visual impact.
17. Woodend Farm House (the Farmhouse) is a Grade II Listed Building dating from the 17th Century but is recognised as having 20th Century alterations. It is part timber framed, with painted brick infill irregular panels and a tiled roof. The Farmhouse's significance derives from its age, architectural detailing, and quality of craftsmanship, that combine to provide a good example of vernacular traditions of the area.
18. In addition to its vernacular features the listing description identifies that the Farmhouse stands upon a moated site. Its rural surroundings, including presence of nearby agricultural buildings that would once have been associated

with the historic farmstead, therefore contribute to the setting of the listed building.

19. Despite the historic associations between the Farmhouse and related agricultural buildings, the appeal building is not deemed to have a particularly strong connection to the listed building. This is in part due to the more modern-day character of the appeal building, alongside its positioning relative to the Farmhouse and other built development. There is also limited intervisibility of the two buildings. Where views are available of the two buildings together, the general condition of the appeal unit is such that it does not positively contribute to the setting or character of the listed building.
20. The proposed conversion of the barn would result in a building that would be smaller in scale and higher in design quality than its current form. Although the proposal would read as a dwelling, as previously indicated it would retain a rural character and hint at its agricultural origins. Therefore, whilst the proposal would result in some degree of perceptible change to the setting of the listed building, and the context in which it is experienced, it would not be of a magnitude to constitute harm. This is due to the degree of existing separation, alongside the scale, design, and finish of the respective buildings.
21. Overall, the building would still largely retain an agricultural appearance, befitting of its rural context. As such, the proposal would not harm the character or appearance of the surrounding rural area. Furthermore, the overall effect of the proposed development would be neutral and therefore the setting of the listed building would be preserved. It is therefore deemed that the relevant provisions of the Framework would be met, with respect promoting high-quality design and conserving the historic environment. As such, the proposal would not result in any harm with regard to Q2(1) (f) of the GDPO.

Other Matters

22. Several appeal decisions have been provided by both the appellant and the Council in support of their respective cases, albeit some of which pre-date changes in legislation and the PPG following case law. I have not been provided with the full details of these other appeal cases, consequently, I cannot draw any direct comparisons that would weigh in favour of or against the proposal. From the information before me it appears that there is a significant volume of conflicting findings, despite similarities between various proposals. To my mind this only emphasises the need for the decision maker to exercise their individual planning judgement, based on the specific circumstances of the scheme before them.

Conditions

23. Paragraph W(13) of the GDPO allows for the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The Council has indicated that, should prior approval be granted, it has no suggested conditions to be imposed other than conditions subject to Class Q. I find no reason to conclude otherwise, other than to impose a condition specifying the approved plans in the interest of certainty.
24. As paragraph Q.2(3) of the GDPO stipulates that the development shall be complete within a period of 3 years, a condition is not required in this regard.

Conclusion

25. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Lewis Condé

INSPECTOR