



Appeal Decision

Site visit made on 29 July 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref: APP/Q3305/W/22/3296490

**Court Farm Barns, Blatchbridge Roundabout to Frome Road,
West Woodlands, Frome BA11 5EN**

- 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 Mr Mark Knight against the decision of Mendip District Council.
 - The application Ref 2021/2814/PAA, dated 9 December 2021, was refused by notice dated 27 January 2022.
 - The development proposed is described as 'Prior Notification for Conversion of Agricultural Building to One Larger Dwelling (resubmission) Barns Lying South East Of Farmyard - Court Farm Barns, West Woodlands, Frome, Somerset BA11 5EN'.
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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 (as amended) (the GPDO) for the conversion of an agricultural building to one larger dwelling, at Court Farm Barns, Blatchbridge Roundabout to Frome Road, West Woodlands, Frome, BA11 5EN in accordance with the terms of the application, Ref 2021/2814/PAA, dated 9 December 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location and Block Plan', Drawing No. 2020/KNIGHTM/01/RevB; and 'Floor Plan, Elevations and Section', Drawing No. 2020/KNIGHTM/02/RevA.

Preliminary Matters

2. The description of development in the banner heading above is taken from the appellant's original application form. The description was amended by the Council to '*Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development*'. This more accurately and concisely describes the proposal and the appeal has been considered on this basis.

Main Issue

3. The main issue is whether the proposed development falls within the terms of the permitted development rights under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with specific regard to the extent of the proposed building operations.

4. 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

5. The appeal building is a steel portal frame barn, with a solid concrete floor and roof comprising of metal profile sheeting. The northern elevation of the barn is entirely open. The west and southern elevations are enclosed through a combination of blockwork and metal sheeting. The eastern elevation is currently largely enclosed by the walling of a closely related adjacent barn. However, most of this elevation would be open following the proposed demolition of the adjacent barn.
6. 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.
7. 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.
8. 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.
9. The structural integrity of the existing building is not in dispute, with the Council acknowledging that the proposal does not seek to make any alterations to the building's structural elements. A submitted structural report and accompanying update letter, which have been complete by a suitably qualified professional, also identify that the existing structure could accommodate additional loads associated with the proposed development. From the evidence before me, and my observations on site, I have no reason to question the structural findings.
10. My attention has also been drawn to a previous prior approval application (ref: 2020/1916/PAA) for the building that was dismissed at appeal². That appeal was dismissed due to the level of works involved being deemed to go beyond a

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

² APP/Q3305/W/21/3274875

conversion. Unlike the previous appeal scheme, the current proposal seeks to retain the existing wall and roof sheeting, opting to instead undertake localised repairs and painting of these components. From my observations on site, both the roof and external wall sheeting appeared to be in generally good condition, such that they could be retained subject to limited repairs.

11. The external envelope of the proposed dwelling, including areas of blockwork, would therefore largely comprise of retained elements of the existing building. Although sizeable areas of glazing are proposed to be introduced, particularly to the north and eastern elevations, this would fall within the scope of Q1(i) of the GPDO. Further alterations proposed are more limited in nature and also remain in accordance with those permitted under Q1(i) of the GPDO.
12. Therefore, based on the evidence before me, I am satisfied that the building is structurally sound and suitable for conversion. Additionally, whilst the extent of works proposed to facilitate a residential use would be considerable, they are not of a magnitude that is considered to amount to a fresh build of the structure. The works proposed would also not fall outside those described in Class Q.1(i) of the GDPO. Consequently, the proposal meets the terms of the permitted development rights established by the GPDO.

Conditions

13. 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. I find no reason to conclude otherwise, other than to impose a condition specifying the approved plans in the interest of certainty.
14. 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

15. 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