



Appeal Decision

Site visit made on 17 August 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/K0425/W/21/3282915

Sunnymede, Longwick Road, Princes Risborough HP27 9RS

- 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 Archaylen Properties Limited against the decision of Buckinghamshire Council – Wycombe Area.
 - The application Ref 21/05648/PNP3Q, dated 2 March 2021, was refused by notice dated 28 April 2021.
 - Prior notification application (Part 3, Class Q) for change of use and conversion of existing agricultural poultry barn to create 3 x 3-bed dwellings with associated operational development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description above from the decision notice since it identifies the development to which the appeal relates in more concise and precise terms. The description on the application and appeal forms includes some additional detail on both the planning history of the wider site, the address of the appeal site and the existing situation. All of which can be gleaned from the evidence and my observations on site. I do not therefore feel any party would be prejudiced by my use of the above description.

Main Issue

3. The main issue is whether the proposed development would consist of building operations other than the installation 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.

Reasons

4. Some building works are allowed under the change to residential use permitted by Class Q. Further information is set out by paragraph 105 of Planning Practice Guidance (PPG). The rights under the relevant class essentially assume that the agricultural building is capable of functioning as a dwelling. It then permits building operations which are reasonably necessary, which may include those which would affect its external appearance and would otherwise require planning permission. These can include those listed above. It is not the intention of Class Q to allow rebuilding work which would go beyond what is

reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. With this in mind, the rights allow for a scope of building works that has an implicit limitation.

5. The frame of the appeal building is supported by timber posts and trusses. The walls are, for a limited area at their base, breezeblock and brick. The remainder is timber sheets. The roof appears to be corrugated cement sheet. The floor is a concrete slab. On visual inspection, the component parts of the building appear to be in good order. I have no doubt that the building is capable of supporting the proposed conversion works. It is structurally sound, and the foundations are solid. Indeed, this is not a contentious matter in the appeal.
6. The appeal scheme would 'slice' the building into two detached units and one adjoined to the other poultry shed. This would include wholly new walls to four end elevations. The entire rear elevation is to be removed and new rear walls installed in a different location. It appears the support system (timber frame) for the building would be retained but new cladding for the walls and roof added wherein openings for the doors, windows and rooflights would be provided. What this would effectively leave would be a series of timber posts, trusses and sections of breezeblock and brick to the base of the walls. The latter in terms of the front elevations only. The buildings would appear as part of the original by their siting only. This would be a tenuous link at best since they would bear limited other reference thereto otherwise. The appeal scheme, taking into account the above, would be more akin to something that happens to incorporate elements of a previous structure rather than a building that is in the main being used as the eventual dwellings once 'converted'.
7. Class Q permits building operations that are reasonably necessary. I am satisfied that the type of works proposed would be within the scope of Class Q but, and for the above reasons, I do not feel that such operations would be reasonably necessary in this particular case given their scale, amount and degree. They would amount to a fresh build rather than a conversion in the true sense. What is allowed by Class Q maybe broad by type but, to my mind and taking into account the thrust of PPG on this matter, that does not mean that any amount or degree thereof would be automatically acceptable.
8. I am reminded of the Hibbitt¹ case in the submissions from both main parties and whilst I could not say conclusively the scheme in that case was the same as the one before me, the findings set out that the difference between a conversion and a rebuild is a matter of legitimate planning judgment as to where the line is drawn. Based on the evidence before me in this case, I have exercised such a judgement.
9. The appellant has drawn my attention to Justice Green's interpretation of 'reasonably necessary' for the purposes of the Hibbitt case in that it is suggested as '*not being superfluous, such as a sauna or swimming pool might be*'. That being so, I am still drawn to PPG which explicitly states that it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. This

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

is related to, specifically, building work. Whilst I appreciate the interpretation for the purposes of Hibbitt, Justice Green suggests something not being superfluous and uses an example. They are not definitive nor do their comments suggest, by saying '....such as....' that superfluous could not mean its accepted definition which, according to the Collins Dictionary, is exceeding what is sufficient or required. The building would be, according to the evidence, capable of being converted to residential use. As have the Council. But it is sufficiently clear from both the Order and PPG that should such works to do so go beyond what is reasonably necessary, they would not be acceptable.

10. I am aware of other schemes that have been granted prior approval. These include the adjoining poultry building and an example cited by the appellant in North Buckinghamshire. Of the information I have before me on these two cases I can see there are some similarities with the one before me. However, I refer back to the findings in Hibbitt concerning the extent of works being a matter of legitimate planning judgement. It is my view that, on the basis of the existing buildings and the scale of works taken together, they would amount to more than a conversion project that would facilitate a change of use. My findings in this case do not therefore change.

Conclusion

11. It is for the reasons that I have explained above that the appeal scheme would consist of building operations other than the installation 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. It would therefore not comply with the description of permitted development as it is set out by Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The appeal should therefore be dismissed.

John Morrison

INSPECTOR