
Appeal Decision

Site visit made on 21 September 2022

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/Z1510/W/21/3285089

Maltings Poultry Farm, Sturmer Road, Steeple Bumpstead CB9 7BS

- 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 GPDO).
 - The appeal is made by Guy Hayden against the decision of Braintree District Council.
 - The application Ref 21/01183/COUPA, dated 9 April 2021, was refused by notice dated 28 May 2021.
 - The development proposed is described as 'prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 5 No. residential dwellings.'
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are a) 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; and b) whether the external appearance of the building would be acceptable.

Reasons

Building Operations

3. 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 and extent of building works that has an implicit limitation.

4. It seems sufficiently clear that the 'building' is structurally sound and whilst works allowed under Class Q do not rule out new structural elements, the appellant has confirmed that the support posts do not need underpinning. That said, and referring to the intended programme of works set out by the appellant's evidence, it seems that only the timber support posts and trusses would remain, along with the floor slab and a low course of bricks at the base of each wall. This would involve the retention of something that barely even resembles a frame, more a series of posts and trusses concreted into the floor slab once all of the external panels have been removed. In this, the scheme strikes me as less of a conversion enabled through a change of use and more as dwellings that are going to be erected that happen to incorporate a minor element of the original building. As a result, the eventual dwellings 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.
5. 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. Setting out the difference between what is a conversion and what is 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.

External Appearance

6. Putting aside my findings above, paragraph Q.2 (1) of Class Q sets out a number of matters to be determined in the prior approval process for development carried out under its provision. Amongst other things, prior approval should be sought for the design or external appearance of the building.
7. The appeal building is currently used for the storage and repair of motor vehicles amongst other things. Whilst I am unsure as to whether this is on a personal or commercial basis, the area around the building is used for the storage of cars and vans in various states of repair. There is a dwelling and other single storey buildings nearby and other elements of external storage. There is a dense tree belt to the north, some further planting to the south and hedging along the road side adjacent to the access. The site is flat and, by virtue of the above factors, relatively obscured in visual terms.
8. The appeal building is of a utilitarian design, single storey and constructed of timber support posts and a mix of metal and cement sheet cladding. The proposed works and the associated residential curtilages would change the appearance of the building and to some degree (inevitably perhaps) the character of the appeal site more generally. I would however stop short of saying that such a change would be harmful in planning terms given how they would visually improve the building and the land around it, coupled with how contained it would be in wider landscape terms.

9. With this in mind, and had the appeal scheme have complied with the description of permitted development as set out by Class Q, the design or external appearance of the building would have been acceptable.

Conclusion

10. However, it is for the reasons that I have explained in regard to my findings on the first main issue 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 GPDO. The appeal should therefore be dismissed.

John Morrison

INSPECTOR