



Appeal Decision

Site visit made on 20 September 2022

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3005/W/22/3297596

Radfords Farm, Sutton in Ashfield, NG17 3DA

- 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 Dale Radford against the decision of Ashfield District Council.
 - The application Ref X/2021/0062, dated 13 December 2021, was refused by notice dated 1 February 2022. The development proposed is an application to determine if prior approval is required to convert two agricultural buildings to form three dwellings.
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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) (the GPDO) to convert two agricultural buildings to form three dwellings at Radfords Farm, Sutton in Ashfield, NG17 3DA in accordance with details submitted pursuant to Article 3(1) and Schedule 2, Part 3, Paragraph Q.2(1) of the GPDO through application Ref X/2021/0062, dated 13 December 2021.

Preliminary Matters

2. Both main parties have provided comments on the planning history of, and indeed, ongoing planning issues at, the site and its surroundings. There is nothing in any of this commentary which suggests that the parts of the agricultural buildings to be converted are themselves unauthorised; the appeal decision with which I have been provided refers to extensions to them amongst other things. To my mind none of this leads me to consider that the site and relevant buildings are not in an agricultural use, such that the proposal would not otherwise fall under Class Q.
3. Furthermore, the decision of the Council in this case refers only to their assessment that the proposed structural alterations and additions are significant and go beyond those deemed reasonably necessary to convert the buildings, and that it is for that reason that prior approval is refused.

Main Issue

4. In light therefore of the decision of the Council, the main issue is whether or not the building operations proposed are reasonably necessary such that the proposal would be permitted development under Schedule 2, Part 3, Class Q (b) of the GPDO.

Reasons

5. Section (a) of Schedule 2, Part 3, Class Q of the GPDO allows for a change of use of an agricultural building to a dwellinghouse. Section (b) of that Schedule allows for the building operations necessary to convert those buildings. Both sections are subject to a number of criteria. Criterion (i) makes clear that a development would not comply with the regulations if it consisted of building operations other than the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. The Planning Practice Guidance (PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling.
6. I note the concerns of the Council around the level of detail in the Structural Survey provided by the appellant and the need for additional structural testing. However, I do not agree with their conclusion that what appears to be standard disclaimer text invalidates the overall conclusions or that further structural testing of the floor slab would be required to properly consider whether the works proposed are reasonably necessary. In reaching this conclusion I note both that the prior approval process is deliberately light-touch and that the GPDO makes no distinction between structural and non-structural works, and it places no restriction on whether works are structural or not.
7. The requirements of the Class, clarified by the case-law are that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.
8. Given the condition and construction of the existing building, being a substantial structural framework capable of supporting the works required, I consider that the extent of the works outlined as being necessary to create the proposed dwelling would not be so significant that the proposal could not be construed to be a conversion. The submissions of the appellant make clear that it is intended to retain the substantial structural framework, floor-slab and indeed, some of the wall-slabs.
9. The overall, fundamental structure of the building would therefore be retained. Conversion would require works, the description of which falls in my view, within the remit of those allowed by the Class and the PPG. The proposal, even allowing for the works required, which are admittedly significant, but still within those allowed, would therefore be a conversion in my view, and not a fresh-build. Both parties have cited the relevant case-law which confirms that this is a matter of planning judgement.
10. For the reasons given above, I am satisfied that the works would therefore not be so significant that they would fall outside of those allowed by Class Q of the GPDO, being outside the extent of what could be considered to be reasonably necessary for conversion.

Conditions

11. In accordance with the GPDO, development must be completed within three years of the date of this decision and in compliance with the approved plans, so it is not necessary to repeat those conditions in this decision.
12. I note the offer by the appellant of a 'Grampian' condition to control pig farm operations on the wider site. However, whilst this was clearly a matter of concern for third-parties and is addressed by previous appeal decisions on the site, it lies beyond the scope of the Class.

Conclusion

13. For the reasons given above I conclude that the proposed works would be reasonably necessary for conversion. As such, the proposal would comply with the relevant criteria of Schedule 2, Part 3, Class Q of the GPDO. The appeal should therefore be allowed, and prior approval should be granted.

S Dean

INSPECTOR