



Appeal Decision

Site visit made on 4 October 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/K0425/W/21/3287583

Agricultural Building North of Hedsor Hill Barn, Hedsor Hill, Hedsor SL8 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 appeal is made by Mr James Copas against the decision of Buckinghamshire Council.
 - The application Ref 21/07382/PNP3Q, dated 4 August 2021, was refused by notice dated 28 September 2021.
 - The development proposed is change of use and conversion of existing agricultural barn building to create 1 x 1 bed dwelling house and 1 x 2 bed dwelling house (2 in total) and associated operational development.
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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(a) and Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use and conversion of existing agricultural barn building to create 1 x 1 bed dwelling house and 1 x 2 bed dwelling house (2 in total) and associated operational development at Agricultural Building North of Hedsor Hill Barn, Hedsor Hill, Hedsor SL8 5JN in accordance with the application Ref 21/07382/PNP3Q made on 4 August 2021, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q2(1), and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with approved drawing DRG02 (Proposed Floor Plans and Elevations, dated August 2020).

Applications for Costs

2. An application for costs has been submitted by Mr James Copas against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have used the Council's description of development as this comprehensively describes the proposal.

Main Issue

4. The main issue is whether the development would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Reasons

5. Class Q permits development consisting of a change of use of an agricultural building to a dwelling. For development to be permitted under Class Q, the relevant site must have been used solely for agricultural use on 20 March 2013. If not in use on this date, then its last use (prior to this date) must have been agricultural. For any site or building which was brought into use after 20 March 2013, then it must have been used for a period of at least 10 years before development begins for it to qualify.
6. The appeal site comprises a three-sided barn structure, which is used for the storage of hay. Whilst the parties dispute whether certain works which have taken place to the building in recent years would amount to repairs or a replacement building, it is common ground that an agricultural structure has been in situ long before March 2013.
7. The statutory declaration of Matthew James Rayner states that “repair” works were carried out to the building in 2016. These works included the replacement of external timber cladding, the replacement of a chalk floor with a concrete floor and the replacement of internal roof supports with steel posts. Whilst these works were undoubtedly substantial, photographs of the building taken before and after do demonstrate that the overriding structure remained substantially similar. Indeed, it occupied the same (or very similar) footprint, retained the same building profile and the same roof. It’s agricultural use also remained the same.
8. Given that the building is understood to have been first erected in circa 1967, I consider it entirely reasonable that such works (including replacement materials) would have been needed over time, in order to procure the longevity and structural integrity of the building. Given that the building remained substantially similar in terms of footprint, size, scale and use following the works, I consider that they would have constituted general repairs, as opposed to the complete replacement of the building.
9. In turn, I am satisfied that the evidence does demonstrate that the agricultural building was in situ (and in agricultural use) on or before March 2013. The development would therefore comply with the statutory conditions required for a change of use from an agricultural building to a dwelling under Class Q.

Other Matters

10. The Council accepts that the proposal would meet all other conditions and criteria under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and I have no reason before me to disagree with this conclusion. I have therefore not considered these other criteria further.

Conditions

11. I have included a plans condition to ensure certainty over the development permitted.

Conclusion

12. For the reasons given above, the proposal would be development permitted under Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO. The appeal should therefore be allowed and prior approval should be granted.

James Blackwell

INSPECTOR