



Appeal Decision

Site visit made on 2 August 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/W1850/W/22/3292351

Upper Hall Farm, C1196 from Stone Street to Cornerstone, Canon Bridge, Madley HR2 9JF

- 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 DJ & HM Morgan against the decision of Herefordshire Council.
 - The application Ref 213345, dated 26 August 2021, was refused by notice dated 3 November 2021.
 - The development proposed is described as "change of use of two buildings to residential (C3) and operational development necessary to facilitate the change of use."
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Decision

1. The appeal is allowed and prior approval is not required 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) (GPDO) for the change of use of two buildings to residential (C3) and operational development necessary to facilitate the change of use at Upper Hall Farm, C1196 from Stone Street to Cornerstone, Canon Bridge, Madley HR2 9JF in accordance with the terms of the application, Ref 213345, dated 26 August 2021. The application is subject to conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W.

Preliminary Matters

2. The appellants have confirmed that the Council has granted Prior Approval for the change of use of Barn C under Class Q via a separate application, ref: P214226/PA4 1. They have also confirmed that the elevations and floor plans for the approved conversion of Barn C are the same as those submitted for this appeal for Barn C.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class Q of the GPDO, and, if it does, whether or not prior approval should be granted.

Reasons

4. The appeal site comprises two agricultural barns with pitched roofs and gable ended walls. The barns consist of steel portal frames with a roof structure constructed of corrugated sheets. Barn C is fully enclosed on three sides and its walls are constructed from concrete blocks at lower section and corrugated metal cladding at upper section. Barn B has walls made of concrete blockwork at lower sections with corrugated metal or hit and miss timber boarding above. Its western and northern elevations have large openings but are partially enclosed by doors and a mixture of concrete blockwork and hit and miss timber boarding.
5. At the time of my site visit the roof structure and walls of both barns seemed to be in good condition. The ground floors appeared to be made of compacted earth and crushed aggregate, with concrete slabs that were also in good condition.
6. Paragraph Q.1 (i) of the GPDO permits the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG) provides further guidance in this regard, establishing that 'it is not the intention of the permitted development right 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.'
7. It is clear from the Council's decision notice that its concerns relate to the works to Barn B. Given that the Council has previously found the works to Barn C to be acceptable, and on the basis of the evidence before me, I have no reason to find differently. This part of the proposal complies with the conditions, limitation and restrictions applicable to development permitted by Class Q of the GPDO.
8. The Structural Report (dated 18 August 2021) indicates that Barn B is of a robust form of construction and is structurally sound with no evidence to indicate any significant deterioration to the main structural elements of the roof or side walls. The report also indicated that secondary structural members supporting the cladding were also in good order. Overall, the report concluded that the barn was capable of supporting itself without the need of any additional support.
9. An additional Structural Report (dated 13 January 2022) was undertaken, which indicated that the existing structures for Barn B were suitable for conversion but allowing for minor structural strengthening works and repairs. The report concluded that the existing façade, roof, and primary structure would largely remain. The infill of the open elevation would represent an approximate increase in coverage of the overall façade of 15 to 20% (excluding the pitched roof faces). The report also concluded that the structural engineer perceived the proposal as a converted structure as opposed to a new structure.
10. Indeed, the Council have not provided any compelling evidence to the contrary.

11. The proposal would utilise the Barn B's existing steel portal frames, profile sheet cladding and concrete blocks, and the existing concrete floor slab. However, new elements would include new walls where external walls are currently missing on the west and north elevations. Whilst this would require alterations to the building's outer fabric, such alterations would be reasonably necessary to convert the building to residential use and would amount to no more than approximately 20% of the building's elevational façade, as set out in the appellants' Structural Report. In addition, the hit and miss timber boarding would be retained and function as part of the external elevation. Insulation would be applied to the inner side of the external walls, including the hit and miss timber boarding, which would be supported by the existing structure. The proposal would also reuse the existing openings for doors and window features. Therefore, the barn would retain a significant proportion of its original structure and building fabric. Moreover, the building operations would be necessary to make the building weatherproof and suitable for human habitation.
12. Given my findings above in respect of the new building work required to facilitate the residential use of the building, as a matter of fact and degree, I find that the circumstances in the Hibbitt case are not directly comparable. In any event, I have dealt with the appeal on its own merit.
13. Based on the evidence provided, I am satisfied therefore that the structural integrity of Barn B is sound and would form an integral part of the new dwelling. The building operations would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. As such, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.
14. The conditions set out in paragraph Q2(1)(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance. The Council raises no concerns in relation to the prior approval matters listed in Paragraph Q.2 (1)(a) to (g). Whilst concern has been raised by a local resident regarding highway safety issues, no substantive evidence has been submitted to demonstrate this. Moreover, the Highway Authority raised no concern in respect of this matter and based on the evidence before me, and from what I saw on my site visit I have no reason to reach a contrary view.
15. Given the above and based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters. It is noteworthy that the Council took the view that prior approval was not required for the above matters. I have no reason to take a different view for Barn B or C, and therefore prior approval is not required.

Conditions

16. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W. I do not see the need for any further conditions.

Conclusion

17. For the reasons given above, I conclude that the proposed development is permitted by Class Q of the GPDO and prior approval is not required.

Helen Smith

INSPECTOR