



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: 18 October 2022

Appeal Ref: APP/N0410/W/22/3297740

Land to the east of Chalk Pit Lane, Burnham SL1 8QG

- 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 and Mrs K Doherty against the decision of Buckinghamshire Council.
 - The application Ref PL/21/3853/PNAD, dated 23 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is change of use of an agricultural building to one dwelling, installation of windows, doors and internal changes.
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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 of an agricultural building to one dwelling, installation of windows, doors and internal changes at Land to the east of Chalk Pit Lane, Burnham SL1 8QG in accordance with the application Ref PL/21/3853/PNAD made on 23 September 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 the following approved drawings: Proposed Floor & Roof Plan (September 2021); and Proposed Elevations (September 2021).

Preliminary Matters

2. I have taken the appellants' names from the appeal form, as the details included on the application form were incomplete. I have also used the Council's description of development, as this more comprehensively describes the proposal.

Main Issue

3. The main issue is whether the proposal 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

4. 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, building

operations to facilitate the change of use are limited to “*the installation or replacement of windows, doors, roofs, exterior walls; or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse*”. Planning Practice Guidance (PPG) goes on to say that “*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*”.

5. The appeal property is an agricultural building, comprising steel framing and a dual pitched roof, and is open on all sides. To facilitate the proposed conversion, new external walls would be installed, together with doors and windows. The walls would consist of structurally insulated panels, which would be inserted between the existing steel uprights. These panels would be clad with vertical cedar wood, above a 500mm brick plinth. The development would also introduce a zinc composite roof in place of the existing roof sheeting. Given that class Q explicitly permits the installation and replacement of external walls and roofs, these building operations would fall squarely within the scope of works which are permissible under the legislation, in order to enable the building to function as dwelling.
6. Whilst I acknowledge that the building would not be capable of functioning as a dwelling without such works, the same would be true of many other agricultural conversions, even in circumstances where the existing structure was more extensive. In this instance, whilst the works would be extensive, the existing building would provide the structural integrity necessary to support the proposed works, which in turn would facilitate the conversion to a single dwelling.
7. On this basis, I am satisfied that that the proposal would constitute development which is permitted under Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO.

Conditions

8. I have included a plans conditions to ensure certainty over the development permitted.

Conclusion

9. 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