



Appeal Decision

Site visit made on 10 October 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/W0530/W/21/3287678

Dottrell Hall Farm, Newmarket Road, Heydon, Royston, SG8 7PD

- 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 J Akhtar against the decision of South Cambridgeshire District Council.
 - The application Ref 21/04135/PRIOR, dated 16 December 2020, was refused by notice dated 9 November 2021.
 - The development proposed is described as "Prior approval for change of use of an agricultural building to 5 dwellings (2no 4bed and 3no 2bed) (Class C3)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town & Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits development involving the change of an agricultural building and any land within its curtilage to up to 5 separate dwellinghouses, subject to the criteria set out in its Schedule 2, Part 3, Class Q. Paragraph W of Part 3 details the prior approval process, stating that an application may be refused where a proposed development does not comply with conditions, limitations or restrictions specified as being applicable to the development in question.

Main Issue

3. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. Paragraph Q.1(i) of the GPDO identifies the extent of building works permitted under Class Q as being those reasonably necessary for the building to function as a dwellinghouse. These are the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, and partial demolition to the extent reasonably necessary to carry out that installation or replacement.
5. The structural report submitted by the appellant states that underpinning and works to upgrade the foundations of the building are required for the building to be converted to dwellinghouses. Such works are not included in the list of permitted works in Paragraph Q.1(i).

6. National planning practice guidance advises 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. Where a building is not presently suitable for conversion, therefore, conversion is not permitted development. The appellant contends that the structural works do not require planning permission. While this may be the case, at present the building is not suitable for conversion.
7. Structural works to support the building fall outside of the identified list of what is reasonably necessary to convert the building. As these works are necessary to enable the conversion, the proposed building works would not be limited to what is reasonably necessary to convert the building. Accordingly, the appeal proposal would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

8. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR