



Appeal Decision

Site visit made on 25 October 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/D1265/W/22/3295796

Watercombe Farm, Watercombe, Dorchester DT2 8HJ

- 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 Andrew Day against the decision of Dorset Council.
 - The application Ref P/PAAC/2021/05335, dated 7 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is agricultural to residential conversion in accordance with the attached documents and plans.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed change of use constitutes permitted development pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), having regard to the extent of the works proposed.

Reasons

3. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building.
4. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations, as listed above.
5. The Planning Practice Guidance (the PPG) provides further clarification, including 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, such 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.
6. Neither the GPDO nor the PPG define the terms 'reasonably necessary' or 'partial demolition'. Consequently, this is a matter of planning judgement based

on the fact and degree of an individual case. My attention has been drawn to *Hibbit*¹, which considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. Notably, the case reinforces that it is a matter of planning judgement as to the level of works involved that would still constitute a conversion.

7. The agricultural building subject to the appeal proposal consists of a modern portal framed style agricultural building predominantly of steel construction. The building has a large central double pitch aspect, with two lower steel framed lean-to structures projecting from each side of the central aspect. The proposal would be limited to the conversion of part of one of the smaller side lean-to buildings.
8. Based on the figures provided by the appellant in their Design and Access Statement, the existing building has a total footprint of 412m², whilst the proposal would have a footprint of approximately 67m². This would equate to approximately 345m² of the existing footprint being removed. Due to the scale and nature of the required demolition, the proposal involves the demolition of a significant proportion of the existing agricultural building. Whilst it would not involve the demolition of the whole building, it would go beyond that which could be considered as partial demolition reasonably necessary to carry out the conversion of the building.
9. I consider that in itself, the construction of new walls within the envelope, the introduction of window and door openings, the re-cladding of some parts of the building and the installation of insulation would fall under the remit of 'reasonably necessary' for the building to function as a dwellinghouse as outlined in criteria Q.1 (i)(i). However, the amount of demolition that is required in order for these other building operations to take place would exceed those reasonably necessary for a conversion, as set out in Q.1 (i)(ii). Therefore, when taken together, it follows that the proposals before me would not be development permitted by Class Q of the GPDO.
10. I note the concerns of the Council as to whether the building is capable of being converted without 'additional strengthening works'. At the time of my site visit, the walls, roof and substructure all appeared in reasonably good condition. No substantive evidence has been provided that challenges the appellant's structural findings, notwithstanding their succinct nature. From the evidence before me, and my on-site observations, I therefore find that the building is structurally sound.
11. The appellant says the conversion of the whole building would be excessive for the building to function as a dwellinghouse. Whilst this may be the case, this would not change or outweigh my findings that due to the level of demolition required, the proposed development would not comply with one of the limitations specified under Class Q as being applicable to the proposed development.

Other Matters

12. Two other appeal decisions have been provided by the Council in support of their case. I have not been provided with the full details of these other appeal

¹ *Hibbit and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

decisions. Consequently, I cannot draw any direct comparisons that would weigh in favour of or against the proposal. From the limited information before me, it appears that there are conflicting findings, despite the alleged similarities between various proposals. To my mind this only emphasises the need for the decision maker to exercise their individual planning judgement, based on the specific circumstances of the scheme before them.

13. The appeal site lies within 5km of the internationally protected Dorset Heathland and is situated within the Poole Harbour Recreation Area and the Poole Harbour Nitrates zone. I have been provided with little information on any of these designations. Had I been minded to allow the appeal, I would have sought more information on these matters. However, given my conclusion on the main issue, it is not necessary or appropriate for me to do so as I do not need to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). I do not need to consider the matter any further.
14. Finally, I note the letter of support from a neighbouring resident. However, the matters raised do not alter or outweigh my findings on the main issue.

Conclusion

15. The proposal would consist of building operations that go beyond those reasonably necessary for the building to function as a dwellinghouse, and therefore conflicts with Class Q.1(i) of the GPDO. Consequently, the proposal is not permitted development but one for which an application for planning permission is required.
16. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Laura Cuthbert

INSPECTOR