



Appeal Decision

Site visit made on 18 October 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/J3720/W/22/3300215

Agricultural building at Hazelwood Green Farm, North of Edge Lane, East of junction of Edge Lane with Preston Road, Preston Bagot

- 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(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs K And Ms H Anderson against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00812/COUQ, dated 10 March 2022, was refused by notice dated 5 May 2022.
 - The development proposed is described as "Building located to north of Edge Lane, Preston Bagot – conversion to 2 dwellings."
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Decision

1. The appeal is allowed and prior approval is granted under Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO) for is the conversion to 2 dwellings at Agricultural building at Hazelwood Green Farm, North of Edge Lane, East of junction of Edge Lane with Preston Road, Preston Bagot, in accordance with the terms of application Ref 22/00812/COUQ, dated 10 March 2022, subject to the following condition;
 - 1) Prior to their use in the development, details of the materials used in the external facing and roofing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Preliminary Matters

2. I have taken the description of development from the 'Description of Proposed Works, Impacts and Risks' section of the application form.

Background and Main Issues

3. Schedule 2, Part 3, Class Q(b) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order, together with building operations reasonably necessary to convert the building to the Class C3 use.
4. Schedule 2, Part 3, Section W of the GPDO sets out the prior approval process. It states that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer

has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.

5. It was on this basis that the Council refused to grant prior approval for the scheme under Schedule 2, Part 3, Class Q1(i) of the GDPO as it relates to the degree of building operations necessary for the building to function as a dwellinghouse and Condition Q2 (1)(f) in relation to the design or external appearance of the building.
6. The main issues are therefore whether the proposed building operations are to the extent reasonably necessary to carry out the conversion of the building and the effect of the proposal on the design and external appearance of the building.

Reasons

Extent of works

7. The appeal proposal relates to the change of use of a barn to 2 dwellings. 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.
8. 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.
9. No guidance is provided as to what 'reasonably necessary' may mean. However, development is only permitted under Class Q to convert the building and it seems to me that this means the building needs to be sufficiently structurally sound and substantially built to be capable of accommodating the proposed works without needing to be rebuilt. The difference between works amounting to rebuilding and conversion is discussed in the case of *Hibbitt vs Secretary of State for Communities and Local Government*¹ to which I have had regard. However, unlike the building in the Hibbitt case, the appeal building has partially clad external walls or eaves on all sides and cannot be considered to be a skeletal structure.
10. The appeal proposal relates to the change of use of a large barn to 2 dwellings. The barn is a single storey, open plan, steel portal frame building with a hardcore floor. There is cladding apparent on all elevations which is largely located at eaves level and where it does extend further reaches some two-thirds of the way down the elevation. The roof is clad in fibre cement panels, and whilst these appear to be largely intact during my site visit, I noted that there were holes in some sections. The external cladding to the walls and roof would be retained and refurbished where necessary.

¹ [2016] EWHC 2853 (Admin)

11. Whilst the Building Control Officer commented that the building was capable of conversion, it is the Council's view that the proposed development would involve works that would go beyond what would be considered as reasonably necessary for the conversion of buildings to form dwellinghouses and would involve a large amount of demolition and the provision of significant amount of new exterior walls/glazing.
12. The evidence submitted includes a Structural Appraisal and associated calculations from Latter Ramsay Consultants – Consulting Civil and Structural Engineers. These include details of loadings and analysis of the existing frame and indicates that the building is structurally sound. Internal walls would be provided as part of the conversion and the submitted statements have clarified that these would not be loadbearing or support the existing structure. From the submission and associated plans no part of the building would be demolished.
13. Additionally, the reports provide calculations that demonstrate the existing structures and floors to have sufficient loadbearing capacity in order to withstand the addition of glazing and internal walls. The existing structure would be sufficient to provide the main loadbearing element for the dwellings on the existing foundations, and no new structural elements to the external fabric of the building would be required. I see no reason to doubt the findings of these reports and find that they provide sufficient information in terms of structural matters.
14. Both parties have drawn my attention to other appeal decisions involving the conversion of buildings to dwellinghouses under Class Q. However, from the limited details before me these schemes appear to have different contexts, structure shapes and design. The circumstances of these cases do not appear to be the same as the proposed development. I have therefore determined the proposed development on its merits and on the evidence before me.
15. For the above reasons, I conclude that the building operations would be reasonably necessary for the building to function as a dwellinghouse. Consequently, I find that the proposal would comply with the permitted development criteria set out in Class Q.1 (i) of the GPDO.

Design and external appearance

16. The appeal building is a typical modern agricultural design. Its utilitarian appearance adjacent to another modern agricultural building is a characteristic feature of the surrounding rural landscape.
17. The building would be visible from the surrounding area and highway. The proposed alterations to the elevations would generally retain the appearance of an agricultural building with glazing inserted into existing openings, this together with the sheeted roof would retain much of the building's functional appearance.
18. The main interventions, including window and door openings, largely utilise existing openings. Accordingly, the building would largely retain its agricultural character and appearance. Contrary to the Council's view, I find that the proposal would not erode the agricultural character of the host building.
19. For the above reasons, I find that the character and appearance of the building and its location would be substantially retained. I find that the proposal would comply with criterion Q.2 (1) (f) of the GPDO.

Conditions

20. Any change of use granted under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. To ensure a suitable external appearance of the building the condition relating to materials is reasonable and necessary.
21. The Council have also suggested conditions relating to boundary treatments and the provision of water butts, bins/recycling bins and parking. The submission details refuse stores and parking areas for the proposal, as such I do not consider the proposed conditions necessary. With regards to the boundary treatments and the provision of a water butt would fall outside the scope of issues under consideration within Class Q.

Conclusion

22. Sufficient evidence has been submitted to demonstrate that the proposal complies with the conditions, limitations and restrictions associated with Class Q of the GPDO. For these and the above reasons, the appeal scheme would comply with the description of permitted development as it is set out by Class Q. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR