



Appeal Decision

Site visit made on 2 November 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Q3305/W/22/3299528

Barn, Poole Farm, East Woodlands BA11 5LU

- 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 (as amended).
 - The appeal is made by Mr J Heritage against the decision of Mendip District Council.
 - The application Ref 2022/0400/PAA, dated 15 February 2022, was refused by notice dated 13 April 2022.
 - The development proposed is prior approval for a proposed change of use of an agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken directly from the Council's Decision Notice. This more accurately reflects the development proposed than that set out in the planning application form. Accordingly, I have determined the appeal based on the Council's description of development.
3. The appeal relates to an application under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), seeking a change of use of an agricultural building to a dwellinghouse, along with building operations reasonably necessary to convert the building.

Main Issue

4. The main issue is whether the proposed development falls within the terms of the permitted development rights under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with specific regard to the extent of the proposed building operations.

Reasons

Whether or not the works would amount to a conversion

5. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building to use as a dwelling. Paragraph Q.1(i) further specifies that development under Class Q(b) 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 dwelling.
6. The Planning Practice Guidance (PPG) sets out under Class Q that the permitted development right 'assumes that the agricultural building is capable of functioning as a dwelling' and 'it is not the intention of the permitted development right to allow rebuilding works 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. The PPG is supported by relevant case law¹ to which I have had regard. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore if a development does not amount to a conversion it cannot benefit from Class Q(b). Furthermore, the case law confirmed that whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
 8. The agricultural building subject to this appeal consists of a steel structure with a concrete floor, internal and external blockwork walls and profile sheeting to the northern elevation and on the roof. A large part of the agricultural building would be demolished and removed. The northern side of the remaining structure would be utilised as the proposed dwelling.
 9. Following the demolition works, part of the existing steel frame, part of the northern elevation as well as an internal blockwork wall would remain. Consequently, it would be necessary to erect new walls to a large section of the proposed north elevation, as well as the whole of the east and south elevations. Further works to infill the gaps above the existing blockwork walls would also be required to the western and northern elevations. Although the roof structure would remain, the covering would also be completely replaced using a covering called 'Environtile.'
 10. The structure appears to be in good condition and the type of building operations proposed in this case do not fall outside of those listed in Paragraph Q.1(i). However, from my own observations and the information provided, the resultant building would only be utilising part of the steel frame of the existing building together with two block walls. The overall shape and form of the building would be different, and several of the external walls and openings would be new, together with extensive infilling and a new roof material covering. Accordingly, the cumulative extent of the work that would be necessary to enable the building to be used satisfactorily for a residential use would be substantial, and amount to a rebuild rather than a conversion.
 11. The appellant has stated that Class Q supports the extent of works that are being proposed. The GPDO does allow for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services. However, this only sets out the types of works that may be acceptable. In this instance, the issue is that the extent of those works would

¹ Hibbit and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

cumulatively exceed what could justifiably be considered as a conversion of the building.

12. Examples of other prior approvals have been provided by the appellant². I have not been provided with the full details of these other cases, consequently, I am unsure what existed at the time of the application and what works were needed to convert the buildings. As such, I cannot draw direct comparisons that would weigh in favour of the proposal. However, from a consideration of the photos provided, it would appear that more of the existing agricultural buildings would be retained than in this instance. As such, I have considered this proposal based on the specific circumstances of the case before me.

Other Matters

13. The Council cannot currently demonstrate a five-year housing land supply. Although the GDPO allows for consideration to be given to the National Planning Policy Framework (the Framework) and the development plan policies, this should only be in so far as they are material considerations to the relevant prior approval matters. As housing supply is not one of the approval matters, I cannot consider it.
14. I have also had regard to the letter of support submitted, and the desire of the appellant to be close to relatives in order to provide help and support. However, for the same reasons as above, the private benefits of the scheme to the appellant's family is not something I can consider as a prior approval matter.

Conclusion

15. It is determined that the works go beyond the scope of permitted development rights established under Class Q(b) of the GPDO. Accordingly, the appeal is dismissed.

M. P. Howell

INSPECTOR

² 2019/1484/PAA, 2019/1888/PAA and 2016/1912/PAA