



Appeal Decisions

Site visit made on 21 November 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal A Ref: APP/V3310/W/22/3303639

White House Farm, White House Lane, Loxton, Axbridge BS26 2UU

- 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 L Coulson of Chew Valley Properties Ltd against the decision of Sedgemoor District Council.
 - The application Ref 31/21/00035, dated 18 October 2021, was refused by notice dated 26 May 2022.
 - The development proposed is change of use of agricultural building to 1no. dwelling and associated works.
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Appeal B Ref: APP/V3310/W/22/3303640

White House Farm, White House Lane, Loxton, Axbridge BS26 2UU

- 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 L Coulson of Chew Valley Properties Ltd against the decision of Sedgemoor District Council
 - The application Ref 24/21/00035, dated 18 October 2021, was refused by notice dated 26 May 2022.
 - The development proposed is change of use of agricultural building to 1no. dwelling and associated works.
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Decisions

1. Appeal A 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 agricultural building to 1no. dwelling and associated works at White House Farm, Loxton, Axbridge BS26 2UU in accordance with the application, Ref 31/21/00035, dated 18 October 2021, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q2(1).
2. Appeal B 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 agricultural building to 1no. dwelling and associated works at White House Farm, Loxton, BS26 2UU in accordance with the application, Ref 24/21/00035, dated 18 October 2021, and the details

submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q2(1).

Preliminary Matters

3. As set out above, this decision relates to two separate appeals, each of which concerns a separate agricultural building within White House Farm. Given that the issues are broadly similar for both appeals, I have dealt with them both in the same decision, to avoid unnecessary duplication. Nonetheless, each appeal has been considered individually, and properly assessed on its own merit.
4. I have taken the description of development for each of the proposals from the Council's decision notices, as no description was included within the respective application forms.

Main Issue

5. In respect of both Appeal A and Appeal B, 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

6. 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*".
7. With regard to Appeal A, the building comprises an agricultural barn, formed of a principal steel frame, together with walls made of concrete panels and timber cladding. It has a mono-pitched roof, comprising fibre cement roofing sheets. The barn is open along its front, as well as part of its northern and southern flank elevations. To facilitate the proposed conversion, recessed rendered external walls would be incorporated along the open sections of its northern and southern sides. Along its principal frontage (which is currently open), a new external wall would be erected, which would be made up of a mixture of vertical Yorkshire boarding and full-width glazing. The existing profiled fibre-cement roofing sheets would be retained.
8. In terms of Appeal B, the agricultural building is again steel framed, and incorporates walls made of concrete panels and timber cladding. Its southern elevation also includes a series of sheeted gates. It has a dual-pitched roof, which also comprises fibre cement roofing sheets. To facilitate the proposed conversion of this building, the sheeted gates would be replaced with powder-coated aluminium windows and infill timber cladding above. Along its northern elevation, a new water tight wall would be installed behind the existing vented metal cladding. Additional timber cladding would also be added along its eastern elevation. As with the Appeal A building, the existing profiled fibre-cement roofing sheets would be retained.

9. Given that class Q explicitly permits the installation and replacement of external walls (and roofs), as well as the installation of windows and doors, all these building operations would fall squarely within the scope of works which are permissible under the legislation, in order to enable the buildings to function as dwellings.
10. Whilst I acknowledge that neither of the buildings would 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 buildings would provide the structural integrity necessary to support the proposed works, which in turn would facilitate the respective conversions to single dwellings. Indeed, at least 74% of the existing materials comprised in each of the buildings would be retained as part of the development, which is indicative of their suitability for conversion.
11. On this basis, I am satisfied that each of the proposals would constitute development which is permitted under Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO.

Conditions

12. Pursuant to Schedule 2, Part 3, paragraph W of the GPDO, conditions can only be imposed to the extent that they reasonably relate to the subject matter of the prior approval. Under Class Q, such matters are limited to transport/highways, noise, contamination, flood risk, location, external design and provision of adequate natural light. In this instance, I do not consider that any such conditions are necessary in respect of either of the proposals.

Conclusion

13. For the reasons given above, each of the proposals would be development permitted under Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO. Both Appeal A and Appeal B should therefore be allowed, and prior approval in respect of each appeal should be granted.

James Blackwell

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/V3310/W/22/3303639	Chew Valley Properties Ltd
Appeal B	APP/V3310/W/22/3303640	Chew Valley Properties Ltd