



Appeal Decision

Site visit made on 15 November 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/K0235/W/22/3298667

Roundhill Farm, Turvey Road, Bedford, Stagsden MK43 8TX

- 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, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
 - The appeal is made by Mrs Diana Brummel against the decision of Bedford Borough Council.
 - The application Ref 22/00291/CPNQ, dated 7 February 2022, was refused by notice dated 12 April 2022. The development proposed is conversion of barns at Roundhill Farm, Turvey Road Stagsden MK43 8TX to three dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not include a description of the development proposal. The description is taken from the covering letter which formed part of the application.

Background and Main Issue

3. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) states that the Local Planning Authority may refuse a prior approval application where 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.
4. Schedule 2, Part 3, Class Q. (a) 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, Class Q. (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
5. 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.

6. The main issue is whether or not the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the requirements under Class Q.1 (i).

Reasons

7. The appeal site comprises 2 linked buildings, and a smaller detached building which would be demolished. Both of the buildings which would be retained have concrete floors. The buildings are of differing constructions. The building closest to the road (barn 1) is open to the 2 gable ends. The columns which support the timber roof structure are mainly concrete. The roof is of corrugated sheeting, and the two enclosed long walls are of brick and blockwork to the lower sections, with corrugated metal sheeting above. The frame of the larger building (barn 2) is formed by a series of metal columns with metal trusses above. The building is fully enclosed. It has a roller shutter door and a personnel door. The walls are blockwork to the lower sections with corrugated sheeting above.
8. Paragraph 105 of the Planning Practice Guidance¹ (PPG) states 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. It further indicates 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. There is no specific requirement in Class Q or the PPG to demonstrate that the structure of the buildings could withstand the additional loadings required as a result of the proposed building works. However, having regard to the ruling of Mr. Justice Green in the Hibbitt judgement², it is appropriate to assess whether the extent of building operations required to enable the building to function as a dwellinghouse would amount to conversion rather than rebuild or fresh build.
10. The proposed external works identified by the appellant, include; the insertion of doors and windows; the construction of walls in the gables of barn 1; the re-cladding of the upper parts of the walls and roofs; and, the rendering of the lower sections of walls. The formation of first floor balconies within barn 2 would require structural alterations to be made to the roof of the building.
11. It is not clear whether the author of the visual inspection report had been appraised of the full extent of the development proposals subject of this appeal. Furthermore, the inspection was a visual inspection only. Whilst the report confirms that barns 1 and 2 have robust superstructures, it also indicates that usually replacement cladding must not apply additional weight to the roof structure. A recommendation is made that the upper ceilings of both buildings be suspended to minimise damage through deflection.
12. Whether the structures have sufficient existing lateral stability to support their conversion to residential use, is not apparent from the visual inspection report. The author suggests that timber inner leaves be constructed within both buildings, to, amongst other things, improve the lateral stability of the structures. Internal works are not generally development. However, if such works are required to support the external frame, then it is reasonable to doubt

¹ Paragraph: 105 Reference ID: 13-105-20180615

² *Hibbitt and Another v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

- whether the structures of the barns are sufficiently robust to be converted to dwellings without requiring substantial building operations.
13. The formation of the first-floor balconies and the insertion of rooflights within barn 2, the hanging of ceilings (if not hung from an internal frame), and, the recladding of the roofs all have potential to add weight to the roof structures of the barns. No cogent evidence has been submitted from which to conclude that the existing structures of the buildings would be able to support these proposed works.
 14. Insufficient evidence has been provided from which to conclude that the nature and extent of the works required to enable the building to function as dwellinghouses would not exceed those which could reasonably be described as conversion.
 15. The appellant has drawn my attention to a number of other applications for the conversion of agricultural buildings to dwellinghouses under Class Q of the GPDO. The Council have indicated that when making the decision on the Top House Farm application³ they were not aware of the Hibbitt ruling. I have not been provided with details of the proposals associated with the Scania House, Risley application⁴ and therefore cannot make direct comparisons. However, in the structural report it was found that major structural elements of the building could be retained in their existing form. The Twinwoods Farm application⁵ related to brick-built structures where it was proposed that they be converted to form single storey accommodation only. As such this application is not directly comparable with the appeal scheme.
 16. I do not have full details of the schemes subject of appeals at Little Farm House in Bolnhurst⁶ or Green End Farm in Garnborough⁷. However, in the Bolnhurst case, whilst the Inspector found that the building was fully enclosed, they also found that the 'simple structural appraisal' was not sufficiently robust. They could not therefore be satisfied that the building operations proposed would not go beyond those listed within Q.1 (i) of the GPDO. In the Garnborough case, the Inspector noted that it was not in dispute that the structure would be able to take the load required for the conversion. That is not the case in this appeal.
 17. In order to benefit from the permitted developments rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must only involve building operations reasonably necessary to convert the building in accordance with the definition at Q.(b) and Q.1(i). Based on the evidence before me it has not been demonstrated that the required works would be limited to building operations reasonably necessary to convert the building, so as to be permitted development under Class Q.
 18. Based on the evidence before me, I conclude that the proposed change of use would not satisfy the requirements of Schedule 2, Part 3, Class Q.1(i) of the GPDO, having regard to the associated guidance within the PPG, and therefore is not development permitted by it.

³ Application reference 18/02818/CPNQ

⁴ Application reference 22/00663/

⁵ Application reference 21/02186/CPNQ

⁶ Appeal reference APP/K0235/W/20/3261812

⁷ Appela reference APP/J0405/W/18/3218143

Conclusion

19. For the reasons given above, the appeal is dismissed.

V Simpson

INSPECTOR