



Appeal Decision

Site visit made on 3 November 2022

by AJ Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/V3120/W/22/3296379

Thatchers Barn, Horsecroft, Stanford in the Vale, SN7 8LL

- 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) Order (England) 2015, as amended.
 - The appeal is made by Mr Mark Stoneham against the decision of Vale of White Horse District Council.
 - The application Ref P21/V2330/N4B, dated 5 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is conversion of existing barn into 2 x four-bed dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. One of the reasons for refusing the application for prior approval referred to there being insufficient information to demonstrate that the site could be developed without risk of flooding. Following receipt of the Flood Risk Assessment and Flood Emergency Plan submitted with the appeal documentation, the Council has confirmed that this matter has been addressed, subject to conditions.
3. An additional reason for refusing the application referred to a Community Infrastructure Levy payment. The Council has acknowledged that this was included in error.
4. I understand that the application was determined on the basis of the amended plan 3739.102 Rev B. I have therefore used this for my consideration of the application.

Main Issues

5. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of Q.(a) 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; and, Q.(b) building operations reasonably necessary to convert the building.
6. The main issues are:
 - Whether the development would be permitted for the purposes of the GPDO, having regard to the limitations listed in paragraph Q.1 of Class Q,

with particular regard to the cumulative floorspace of the existing building or buildings changing use, and the extent of the building operations proposed; and

- If the development falls within the scope of development permitted by Class Q, whether or not prior approval would be required in relation to the transport and highways impacts of development, and the design and external appearance of the building.

Reasons

Cumulative floorspace

7. Development under Class Q is not permitted if the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses exceeds 465m² (criterion (b)(i)(bb) of Paragraph Q.1). In this regard Class Q imposes a floor space limit on those parts of buildings which would change use as a result of the development.
8. The proposal would involve the creation of two individual dwellinghouses. This initially included the opening up of a bay in the central part of the barn to provide car ports, and also the opening up of the sides of the barn to create first floor covered balconies and ground floor terraces. On this basis the Council calculated that the area required to support the change of use would exceed the limit of 465m².
9. The amended plan excludes the provision of the car ports, balconies and terraces. As a result it is suggested that the gross internal floor area of the dwellings would be 434m². Whilst the balconies would be removed, the alterations made to the barn would still provide a central covered area and narrow covered areas at either end of the building.
10. The appellant's case is that the central covered area could remain in use for the storage of agricultural equipment, suggesting that a planning condition could secure this restriction. However, whilst it may be difficult, though not impossible, to enforce such a condition, the question remains as to whether such a condition would be reasonable in these circumstances. In this regard there is no certainty that residential use and agricultural storage in such close proximity would be compatible, noting that it would be difficult to control both the frequency and nature of such usage. Specifically, the possibility of intermittent noise and disturbance, with resulting harm to residential amenity, could not be ruled out. Furthermore, the use of this void area as part of the residential envelope is clearly suggested by the fact that the utility areas of each dwelling would have doors exiting into this area.
11. Even if I were to accept that it would be reasonable to retain the central void in agricultural use, I do not believe that the same principle could extend to the use of the covered areas at either end of the building. Whilst these areas would have open sides they would remain within the frame of the existing building and must therefore be considered as part of the existing floorspace. It would be neither practical nor acceptable to retain these areas in agricultural use, noting particularly that the main living areas of each dwelling would look out of the side windows. In my view it would be inevitable that these areas would be used as part of the residential curtilage of the dwellinghouses. Whilst

precise calculations are not before me, it is highly likely that on this basis alone the cumulative floorspace changing use would be over 465m².

12. I therefore conclude that the appeal scheme conflicts with the requirements established under criterion (b)(i)(bb) of Paragraph Q.1 of Part 3 of Schedule 2 of the GPDO.

Building operations

13. Turning to consider criterion (i)(i) of Paragraph Q.1 in relation to the building operations proposed, there is no dispute that the barn is suitable for conversion with no significant strengthening or repair work required. It has a steel framed structure and is clad with metal sheeting. The barn has an open sided area with canopy to the front, which is supported by a timber frame. The building operations proposed include the replacement of a large amount of metal cladding with glazing, the introduction of an external wall to the front and the repositioning of external walls to the side so that they are set within the existing frame.
14. Part Q.1(i) sets out that development will not be permitted by Class Q if it consists of building operations other than the installation or replacement of windows, doors, roofs, exterior walls or services including water, drainage, electricity and gas, to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. The Planning Practice Guidance [Reference ID:13-105-20180615] clarifies that these provisions assume that the agricultural building is capable of functioning as a dwelling, though recognising that for the building to function as a dwelling some building operations which would affect the external appearance of the building, and would otherwise require planning permission, are permitted.
15. The replacement of metal cladding with large areas of glazing would, in my view, amount to both the replacement of significant areas of the exterior walls and also the work required to enable the installation of windows and doors. Similarly, the introduction of external walls to the front would fall within those operations permitted for the building to function as two dwellings.
16. However, the repositioning of the side walls within the existing frame would go beyond the operations that could reasonably be described as enabling the conversion. The appellant suggests that this alteration, which would be provided on both southern and northern elevations, would provide an element of sun screening. However, whilst this may provide some benefit to the occupants of the southern dwelling, this point does not in itself support the suggestion that the change would be reasonably necessary to enable the conversion. The appellants further suggestion that these alterations should be considered as internal works as they would fit within the existing frame does not assist, given the continuing primary purpose of these walls in containing the interior of the building.
17. Therefore, I find that the extent of building operations proposed go beyond those reasonably necessary, with reference to criterion (i)(i) of Paragraph Q.1 of Part 3 of Schedule 2 of the GPDO.
18. For the reasons set out above, I have found that the proposal would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the

Order. Notwithstanding its conclusions in relation to Q.1 of Class Q, the Council has proceeded to assess the proposals against the conditions set out at Q.2. However, as I have determined that the proposal does not benefit from permitted development rights, it is not necessary for me to comment further in relation to the Q.2 conditions as this would not alter the outcome of the appeal.

Conclusion

19. For the reasons given I conclude that the proposal would not constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

AJ Mageean

INSPECTOR