



Appeal Decision

Site visit made on 20 December 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/C3105/W/22/3306638

**Crockwell House Farm Barns, Manor Road, Great Bourton, Oxfordshire
OX17 1QT**

- 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 GPDO).
 - The appeal is made by Mr Roger Yates (Crockwell Farm LLP) against the decision of Cherwell District Council.
 - The application Ref 21/04201/Q56, dated 15 December 2021, was refused by notice dated 8 March 2022.
 - The development proposed is described as “proposed building operations (Class Qb) reasonably necessary for Crockwell Barn to function as a single dwelling-house (Use Class C3)”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of Part 3 of Schedule 2 of the GPDO (hereafter referred to as Class Q) has 2 parts. Class Q(a) defines as permitted development the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses). Class Q(b) defines as permitted development the change of use referred to in Q(a) together with building operations reasonably necessary to convert the building to a use falling within Class C3.
3. The description of development in the header is taken from the application form. It only refers to proposed building operations without mention to the change of use of the building to a dwelling house. Nonetheless, it is clear from the submissions that the application seeks approval for development allowed under Class Q(b). As such, I have considered the appeal on the basis it seeks approval for the change of use of the building to a dwelling as well as the proposed building operations. The main parties have raised no objection to this approach.

Main Issue

4. The main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO, having particular regard to the proposed building operations.

Reasons

5. Under the terms of clause Q.1(h), development is not permitted under Class Q if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The appellant claims the proposed development would comply with this clause as it would be on the existing footprint of the building and the building shape would be retained as existing. Also, it is noted that the Council officer's report includes a comment that clause Q.1(h) would be complied with.
6. However, the Council's refusal reason states that the external dimensions of the building would in fact extend beyond those of the existing building. Its appeal submissions expand on this contention further with reference to the proposed cladding and re-roofing of the building as well as the provision of an air source heat pump.
7. The appellant's submissions indicate that the cladding on the walls and roof of the building would be replaced as part of the proposed development. However, limited details are provided on the depth of the proposed cladding compared to the existing and how the cladding would be attached to the frame of the building. As such, it is unclear from the information provided as to whether the re-cladding and re-roofing works would extend beyond the dimensions of the existing building.
8. Moreover, the drawings show the provision of an air source heat pump on the western side of the building as part of the proposed development. This would be a relatively minor addition but nonetheless it would be positioned on the outside of the building and so it would seemingly project beyond the existing footprint. The installation of services is permitted under clause Q.1(i) but only where compliant with the other clauses as set out under paragraph Q.1.
9. Class W paragraph (3) of Part 3 of Schedule 2 of the GPDO explains that an application may be refused if a proposed development does not comply with any conditions within Class Q or where insufficient information is provided to establish whether the development would comply with the conditions. In the absence of details on the cladding and roofing and given the identified issue in respect of the air source heat pump, I find that insufficient information has been provided to demonstrate the proposed development would comply with clause Q.1(h). Indeed, the information provided in respect of the air source heat pump indicates that at least this element would not comply with this clause. Therefore, the proposed works when considered as a whole would not benefit from Class Q permitted development rights.
10. Furthermore, the Council raises concern over the amount of work that is proposed to be undertaken to the building. The Planning Practice Guidance (the PPG) says it is not the intention of Class Q to allow rebuilding work which would go beyond that necessary for conversion. The PPG refers to the judgement in *Hibbett and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) (Hibbett). This judgement establishes that Class Q requires a proposal to represent a conversion rather than a rebuild, fresh build or new build.
11. The subject building has a steel frame and its walls are partially clad with corrugated sheeting and vertically hung timber cladding. A short length of low blockwork wall forms part of the eastern elevation and the building has

corrugated sheet roofing. The appellant's structural report states the building's frame is in good condition and that it is capable of carrying the load of the proposed external walls and roof. No new foundations or structural support are proposed.

12. However, the submissions indicate that all of the external walls would be clad with horizontal timber boarding with new doors and windows inserted. On my visit, I saw none of the building's walls are currently clad in such a manner. Most of the south and part of the western elevations have vertical board cladding which I understand would be taken off and reattached horizontally to the frame. Also, the existing roofing would be removed and replaced.
13. As such, it seems that almost all of the proposed external walls would comprise of new fenestration and areas of new or re-installed cladding. Also, the roof covering would be new. Sub-paragraph Q.1(i) of Class Q does not prevent the installation of windows, doors, roofs or exterior walls and the proposed development would involve no demolition. Nonetheless, all of the existing cladding and roofing materials would be removed so that only the frame and floor of the existing building would remain. Having regard to Hibbett, I consider the works in their entirety would represent rebuild or fresh build. I conclude the development would include operations that go beyond those reasonably necessary for the conversion of the building.
14. Therefore, I conclude the development would not be permitted by Class Q when having regard to the extent of the proposed building operations and the provisions of the PPG.

Conclusion

15. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR