



Appeal Decision

Site visit made on 29 November 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/J1860/W/22/3303381

Land at (Os 7482 5226), Bridges Stone, Alfrick

- 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) (GPDO).
 - The appeal is made by Mr C Brooke against the decision of Malvern Hills District Council.
 - The application Ref M/22/00644/GPDQ, dated 27 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is notification for prior approval for the proposed change of use of an agricultural building to four dwellinghouses (Class C3) and associated operational development.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the notification for prior approval for the proposed change of use of an agricultural building to four dwellinghouses (Class C3) and associated operational development at Land at (Os 7482 5226), Bridges Stone, Alfrick in accordance with the terms of the application, Ref M/22/00644/GPDQ, dated 27 April 2022. The application is subject to conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W.

Preliminary Matters

2. The description of development given in the application form is "See Planning Statement." Therefore, the description of development provided in the banner heading above has been taken from the appellant's Planning Statement (dated April 2022). I have used this description in my consideration of the appeal.
3. Class Q of the General Permitted Development Order (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 any building operations reasonably necessary to convert the building. The application includes details of both the change of use and the building operations proposed.

Main Issue

4. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to whether

the building operations proposed would be reasonably necessary for the building to function as four dwellinghouses.

Reasons

5. The appeal site consists of a detached, rectangular shaped agricultural barn with a dual-pitched roof, set within the holding. The barn is accessed via an existing private track off Stocks Road.
6. The barn comprises a modern steel portal framed structure of five bays, with six duo-pitched portal frames. The barn is fully enclosed on three sides and its walls are constructed from concrete wall panels on lower sections with hit-and-miss timber boarding on the upper sections. Its gable side elevations have large openings that are enclosed by metal doors. The roof is fully enclosed and consists of corrugated sheeting supported on timber perkins. The front elevation of the barn is fully open, reflective of its existing agricultural storage function.
7. At the time of my site visit the roof structure and walls seemed to be in good condition. The ground floor appeared to be made of concrete construction and was also in good condition.
8. Paragraph Q.1 (i) of the GPDO permits the installation or replacement of windows, doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG)¹ provides further guidance in this regard, establishing 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. 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.'
9. The submitted Structural Report (dated January 2022) (SR) indicates that the structure of the building is generally in good condition. The framing is robust and comprises well-proportioned steel members. Stanchions are cast into concrete foundation pads at their bases and thus effectively fixed against rotation. The report states that the portal frames are notionally 'fully fixed', representing a significant structural enhancement.
10. The SR also states that the existing building structure has the ability to resist loads applied by the mass of the existing cladding material and self-weight, in addition to variable applied loads such as wind and snow, to which it has been subjected to since its construction. Although an open fronted barn, the steel frame can resist applied wind loads in terms of its overall stability. The SR concluded that the existing building is sufficiently robust and structurally suitable to support a conversion to residential use without the requirement of any structural remedial repairs. The Council have not provided any compelling evidence to the contrary.
11. The proposal would utilise the barn's existing steel portal frames, purlins, corrugated roof cladding, concrete wall panels and hit-and-miss timber boarding, in addition to the existing concrete flooring. However, the proposal would include new elements such as a new exterior wall with window and door openings to the front elevation, and the installation of several windows and

¹ PPG, Paragraph 105 Reference ID: 13-105-20180222

glazed door openings to the rear elevation. Whilst this would require alterations to the building's outer fabric, such alterations would be necessary to convert the building to residential use.

12. In addition, the appellant's evidence has confirmed that the new exterior wall would rely entirely upon the lateral support afforded by connections to the existing steel frame to maintain stability but would not place any additional loading pressure on the existing framework. The proposed glazing to the existing rear elevation would consist of aluminium windows set on the existing concrete panels, which would be capable of sustaining the load. As described above, the work permitted within Class Q can include the installation or replacement of windows, doors or exterior walls. There is no evidence before me to indicate that these new elements would require additional structural support to the original building.
13. The hit-and-miss timber boarding and eaves overhang would be retained and function as part of the external elevation. Insulation would be provided by applying internal timber studwork to the inner side of the external walls, including the hit-and-miss timber boarding, but this would be supported by the existing structure. The proposal would also retain the existing steel side doors, which would be permanently secured closed.
14. Therefore, the barn would retain its original structure and a significant proportion of its building fabric, which would not require additional strengthening. Moreover, the building operations would be necessary to make the building weatherproof and suitable for human habitation.
15. Whilst the proposal would see the creation of four residential units, these would be of single-storey and non-structural partitions would be installed internally to form the individual living spaces. Furthermore, the existing building would be integral to the resultant dwellings. The residential units would be within the existing building and, therefore, the internal work would not constitute new build that would be independent of the existing building. The PPG also states that 'internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.'
16. Thus, the proposed building operations would not include the construction of new structural elements of the building and would not require modification of the existing primary structural elements.
17. Given my findings above in respect of the new building work required to facilitate the residential use of the building, as a matter of fact and degree, I find that the circumstances in the Hibbett case are not directly comparable. In any event, I have dealt with the appeal on its own merit.
18. My attention has been drawn to appeal decision (APP/J1860/W/20/3256392). In this particular case the Inspector was concerned about the lightweight nature of the building's cladding and whether additional materials such as glazing in the walls and the associated weight would be sufficiently supported by the existing structure. This differs to the proposal before me, which has shown that the building is structurally sound, and the proposed windows and

doors would be supported by the existing concrete panels. In any case, I have determined this appeal on its own individual merits.

19. My attention has also been drawn to appeal decision (APP/J1860/W/21/3278675). This appeal consisted of a barn that was constructed of a timber portal frame with lightweight clad in corrugated wall, roof sheets, and open on one side. The Inspector concluded that there was insufficient information to determine whether the existing structure was capable of supporting the building operations proposed without new structural elements. Therefore, there are significant differences between this previous case and the proposal before me, so this other decision does not lead me to a different conclusion.
20. The Council has also drawn my attention to appeal decision (APP/H1705/W/21/3275273). In this case it appears that the Inspector was concerned that the proposal would involve significant new structural works that would include new foundations to support both the new external and internal walls. Similarly, the Inspector for appeal decision (APP/R3325/W/22/3293456) was also concerned with the significant new structural works. Again, these cases differ significantly to the proposal before me, which would not require significant structural works.
21. In appeal decision (APP/J1860/W/22/3294223), the Inspector considered that the corrugated cladding that formed the existing barn walls was relatively lightweight, with no existing blockwork wall even at low level. They therefore concluded that the proposed blockwork walls, while positioned internal to the retained cladding, would contribute to the structural integrity of the proposed residential accommodation rather than being purely for insulation and internal subdivision of rooms. This therefore differs to the proposal before me, which contains existing concrete panelling at lower sections of the existing walls. Therefore, this other appeal is not sufficiently similar to alter my reasoning.
22. My attention has also been drawn to appeal decision (APP/R0660/W/22/3296556). In this appeal the existing building was a large red brick barn with a corrugated roof. The structural report highlighted that the building was in a poor state of structural repair. The Inspector concluded that, when considering the totality of the work, a significant proportion of the existing building would either be lost or rebuilt. Consequently, this differs from the proposal before me, which would retain a significant proportion of the original building. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
23. Based on the evidence provided, I am satisfied therefore that the structural integrity of the barn is sound and would form an integral part of the new dwellings. The building operations would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. As such, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

24. The conditions set out in paragraph Q2(1)(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light in all habitable rooms. The Council

raises no concerns in relation to the prior approval matters listed in paragraph Q.2(1)(a) to (g) and did not cite part Class Q.2 in their reason for refusal. Based on my observations on site and the information before me, including the appellant's findings in section 4 of their Planning Statement (dated April 2022), I have no concerns in respect of the above matters. Therefore, the proposal would comply with these other matters considered under Class Q.

Conditions

25. Any prior approval and planning permission granted for the development under Article 3(1) and schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W. I do not see the need for any further conditions.

Conclusion

26. For the reasons given, I conclude that the appeal is allowed and prior approval is granted.

Helen Smith

INSPECTOR