



Appeal Decision

Site visit made on 14 December 2022

by Rebecca Redford

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/R3650/W/22/3290852

Silverdale, Horsham Lane, Ewhurst, Cranleigh GU6 7SW

- 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 Gavin Hunt against the decision of Waverley Borough Council.
 - The application ref: PRA/2021/02640, dated 26 October 2021, was refused by notice dated 16 December 2022.
 - The development proposed is described as the conversion of existing agricultural outbuilding into a single storey residence. All habitable rooms will have natural light & ventilation as shown on drawing No 455/01
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Decision

1. The appeal is dismissed.

Policy Position

2. Under Article 3(1) and Schedule 2, Part 3, Class Q(b), of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO)¹, development is permitted for the 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) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
3. The local planning authority (LPA) may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

Main Issues

4. The LPA, Waverley Borough Council in this case, has refused the application in relation to the suitability of the appeal building for conversion and consequently its non-compliance with paragraph Q.1. It has not, therefore, considered the proposal against paragraphs Q.2(1) and W.
5. Hence, the main issues are whether the proposed development would constitute permitted development in respect to Class Q(b) and paragraph Q.1; and if the proposal is found to constitute permitted development, whether prior approval would be required.

¹ All cited paragraph numbers, unless otherwise stated, are from Part 3 of the GPDO.

Reasons

6. The LPA queries the current use of the appeal building. However, I observed on site that the building was vacant and only containing remnants of objects relating to its previous use as the feed preparation area and storage space for the piggery it was part of. From these observations and along with review of the evidence before me, I find it likely that the building was last used for agricultural purposes and it is currently not in use, in accordance with paragraph Q.1. Therefore, I am satisfied that in respect of paragraph Q.1 the only issue is in relation to criteria Q.1(i).
7. The appeal building constitutes a block built structure on a concrete slab with wooden roof joists and a corrugated clad roof. It is evident that a large section of block work in the rear wall has moved and is now in a poor state of repair with cracks and blown mortar joints. It would appear this is due to pressure exerted on the building from the growth of a large nearby tree. The roof joists have rotted out in large sections and the corrugated cladding is badly damaged with a substantial portion having fallen off.
8. Therefore, the proposal would require the partial rebuilding of the rear wall and likely the complete replacement of roof joists and roofing materials. Due to issues highlighted within a previous application, plans have been submitted showing how the existing concrete floor slab would be stabilised by creating a second floor slab on top, along with other engineering works. The appellant has also confirmed that some lintels would need replacing.
9. Criteria Q.1(i) requires that any building operations including the installation or replacement of window, doors, roofs, or exterior walls, amongst other things, should be to the extent reasonably necessary for the building to function as a dwellinghouse. However as set out within the Planning Policy Guidance² it clearly states that Class Q should be read with the assumption that the agricultural building is capable of functioning as a dwelling. In effect it is only when the existing building is already suitable for conversion to residential that the building would be considered to have this permitted development right.
10. With this in mind, and from visiting the site I do not find that the existing building is suitable for conversion in its current form. It would require substantial replacement of the roof and exterior walls as well as the installation of a new structural floor, windows, and doors, beyond that which could be considered reasonable.
11. It is noted that the remedial works would largely be out of sight, there is potential to reduce the number of bedrooms, to address space standard concerns, and that the proposal could improve the overall appearance of the site. However, these factors do not mitigate the extensive works necessary to convert the appeal building.
12. For these reasons, I am unable to conclude that the proposal would comply with the limitations of paragraph Q.1(i). As such, the proposal would not constitute permitted development in respect of Class Q(b).
13. As considerations in relation to prior approval are a follow-on condition stage under paragraph Q.2, they can therefore only apply if the development is otherwise permitted development. As the proposal would fail to constitute

² 'When is permission required?' Paragraph 105 reference ID: 13-105-20180615 Revision date: 15/06/2018

permitted development, there is no need to consider whether prior approval is required.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR