



Appeal Decision

Site visit made on 20 December 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/Y1138/W/22/3301879

Stanterton Farm, Washfield, Tiverton EX16 9RE

- 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 Order).
 - The appeal is made by Mr Julian Ayre against the decision of Mid Devon District Council.
 - The application Ref 22/00641/PNCOU, dated 29 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is described as the "conversion of steel portal frame barn, with existing infill concrete lower level walls and timber sheathing above into 1 no larger dwellinghouse."
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Schedule 2, Part 3, Class Q of the Order permits (a) the change of use of an agricultural building to residential use; or (b) the change of use together with building operations reasonably necessary to convert the building. In this case both the change of use and the building operations to convert the building in question are proposed.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Order, having particular regard to whether the building operations would be reasonably necessary to convert the building to a dwelling, and whether the location and siting of the building would make it impractical to change to residential use.

Reasons

4. The building that is the subject of the appeal is one of two positioned on a steeply sloping hillside, the other being a barn constructed of brick and corrugated sheeting. Both are surrounded by fields that are laid to grass. There is an existing track linking the farm to these barns, and there is also a public right of way that provides access from Lower Washfield. The surrounding area is dominated by steeply incised

valleys, with agricultural fields interspersed with small copses and woodlands. The hillside position of the site affords long views over the surrounding hills and valleys.

Building Works

5. The barn that is the subject of the appeal has a steel frame, with concrete panels and vertical timber boarding forming the walls. The roof comprises corrugated sheets, with some translucent panels, and the floor is earth. Two of the three bays on the south facing elevation are open, with a further opening that spans approximately half the breadth of the eastern wall. The barn is on a levelled area that has been excavated into the hillside, and there are steep banks in front of both openings. At the time of my site inspection the barn was being used as a store for logs and for a variety of domestic items.
6. The appellant's structural survey (dated 16 February 2022) has found that the barn is in good structural order, with no signs of any significant structural movement to the walls, steel and timber frames. The survey has concluded that the building could easily be adapted without any additional structural works.
7. Notwithstanding this, the structural survey provides limited detail as regards the extent and nature of the intended building operations, both with regard to new works, repairs, and replacement. Concrete panels form the lower section of the walls and they are bolted to the steel frame, and it is proposed that the windows and doors could be attached in a similar way. What was evident at my site inspection is that the concrete panels are suspended above both the ground level and dirt floor of the barn with gaps evident. The concrete panels and timber boarding are not joined and in effect the barn walls comprise two discrete, unattached elements. Whether it would be possible to retain and join the walls so as to allow a conversion has not been demonstrated.
8. The structural report also advises repairs to the external walls. Much of the timber was in good condition, but it was also evident that warping and shrinkage have created gaps, and replacement boarding would be needed in several locations. In addition, the structural survey is indecisive as to whether the roof sheeting should be replaced or be retained. Given these uncertainties, it could be the case that the conversion would necessitate a significant amount of new building fabric, contrary to the requirements of the Order.
9. Substantial areas of new fabric would also be needed to fill the existing openings, and additional openings would be created for the windows and doors. As no elevational drawings have been provided, the size of these openings cannot be ascertained and it is left undefined as to how much existing walling would need to be removed to accommodate them.

10. The Planning Practice Guidance (PPG) refers to internal works not generally being development, and in this case this would include the provision of a concrete floor, insulation and internal walls. However, there are currently gaps between the earth floor and the concrete panels. How a new floor would relate to the existing concrete panels has not been established, nor whether the walls would need to be extended with new fabric.
11. The building in the *Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) was an open sided steel framed structure and as such is different to the nature of the building before me. Despite these differences it does not follow that the appeal proposal would be a conversion, particularly as the PPG advises 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. Nor is it the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion.
12. The Order makes it clear that the onus is on the developer to provide sufficient information to enable a decision to be made as to whether the proposed development complies with the conditions, limitations and restrictions of Class Q. In this case, the extent of the combination of new, repair, and rebuilding works would be such that the existing building is not capable of functioning as a dwelling. Consequently, on the basis of the evidence before me, the proposal would not meet the requirements of Class Q and would not therefore be development permitted by it.

Location and Siting

13. The appeal barn is positioned high up upon a steeply sloping hillside and is surrounded by fields. The appellant has provided map extracts showing the brick barn was part of a former farmstead that was linked by tracks to both Washfield Lane and Lower Washfield. The farm was relocated in the 1960s, and a well-used track remains linking the new farmstead to the appeal barn. The other track has mostly grassed over, although in places its position is evident due to recent ground works.
14. The appellant considers there to be historical justification for a dwelling at the appeal site, albeit with a need to re-formalise the track into a suitable condition for domestic vehicular use. Nevertheless, the former farmhouse no longer exists, and the track to Lower Washfield has largely disappeared. In places it has an earth and stone surface but for much of its long length it is grass and earth, and it shows little evidence of any regular use, even by farm vehicles. It might be that there is a hard surface under the grass, but no such surface is currently visible. The absence of a defined surface and the steep nature of the topography are such that domestic traffic would not be able to access the barn, particularly on a day-to-day basis. Moreover, the provision of a track for

any future occupiers would necessitate significant improvements. It may be the case that the appellant could resurface the track for agricultural uses, but irrespective of this, the current situation is that there is no usable track that could be used by residential traffic to access the barn from Lower Washfield. Given this, the use of the barn as a dwelling would be impractical.

15. The PPG advises that there are some circumstances where the impact of location and siting cannot be mitigated, and this case is such an occurrence. The barn is located high up upon a steeply sloping hillside, a long way from any public road. Such a location makes the barn impractical for use as a dwelling, and whilst the appellant has referred to a power supply, services, drainage and water connections being readily available, where they are and how close they are to the barn has not been provided.
16. Given these circumstances, the location and siting of the barn would be impractical, and as such would not accord with the requirements of Class Q.

Other Matters

17. There is a farm track that appears in regular, active use very close to the northern and eastern walls of the barn. This track provides access to the surrounding fields, and whilst not a matter raised by the parties, future residents would be in very close proximity to any passing farm vehicle traffic and livestock. Such a proximity could unacceptably impact upon the living conditions of future occupiers, thereby raising matters of the desirability of the proposal. However, as I am dismissing the appeal for other reasons, I have not pursued this matter.
18. Although the dwelling would be required to provide the appellant with a home on the farm, such matters are not for consideration with regard to Class Q permitted development rights.
19. Finally, concerns regarding the Council's handling of the case relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

20. Having regard to my findings, the development would not satisfy the requirements of Class Q of the Order and therefore is not development permitted by it. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR