



Appeal Decision

Site visit made on 21 February 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/W1145/W/22/3303644

Land at grid reference 230856 103157 Derril, Pyworthy, Devon

- 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 Mrs Lowman against the decision of Torridge District Council.
 - The application Ref 1/1267/2021/AGMB, dated 6 November 2021, was refused by notice dated 20 May 2022.
 - The development proposed is described as 'conversion of structurally sound agricultural barn to single dwelling. The building is accessed of a private agricultural track from the Derril to Pyworthy county highway. The architect designed scheme provides natural light to all habitable rooms in the proposed dwelling to meet building regulation requirements'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the address that the Council used on its decision notice as it is more accurate than the address that the appellant used on the application form.

Main Issue

3. The main issue is whether the proposed change of use constitutes permitted development under the provisions of Schedule 2, Part 3, Class Q of the GPDO, and, if it does, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling.

Reasons

4. Paragraph Q.1 (i) of the GPDO specifically allows the installation or replacement of windows, doors, roofs, or exterior walls. However, the Planning Practice Guidance¹ clarifies that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. Therefore, it is only where the existing building is suitable for conversion to residential use that it would be considered to have the permitted development right.
5. The existing building is a modern steel framed agricultural building. One of its long elevations is entirely open. The other three are enclosed by low level dung

¹ Paragraph: 105 Reference ID: 13-105-20180615

boards with Yorkshire boarding above. All the walls would be removed and replaced in their entirety to facilitate the proposed conversion. The existing Yorkshire boarding is not weather tight and not suited to a domestic building.

6. As well as the replacement of all the building's walls, the proposal includes a replacement roof that would have a significantly different from to the existing roof. Therefore, the only element of the existing building that would remain would be its steel frame. The submitted structural report states that 'the building is considered, in structural terms, as being capable of functioning as a dwelling'. I cannot agree that this would be the case when the only part of the existing building that would be retained would be its steel frame. The amount of work proposed is tantamount to a replacement building. The proposal is akin to the fresh build referred to in the case of *Hibbitt v SSCLG* [2016] EWHC 2853.
7. In summary, whilst I accept that there are many cases where the permitted development right provided by Class Q has been accepted for similar modern buildings, the circumstances of the proposal before me demonstrates that the existing building cannot function as a dwelling without works that are so significant that they would go beyond what could reasonably be described as a conversion. The proposal is therefore not permitted by Class Q of the GPDO.
8. The appellant advises that it would be possible to retain the existing Yorkshire boarding and the existing roof in its current form. This is however not the proposal that is before me, so this suggestion does not alter my conclusion.
9. As the proposal is not development permitted by Class Q (a) it follows that the provisions of paragraph Q.2 are not applicable. I do not therefore need to consider whether the location of the building makes it otherwise impractical or undesirable for the building to change use as this would not alter the outcome of the appeal.

Conclusion

10. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR