



Appeal Decision

Site visits made on 6 April 2023

by Hollie Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/P1133/W/22/3306184

Wheatsheaf Barn, Lower Cuthill Farm, Saturdays Lane, Off Edginswell Lane, Edginswell TQ12 5LU

- 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.
 - The appeal is made by Ms G Green against the decision of Teignbridge District Council.
 - The application Ref 22/00978/NPA, dated 16 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is application for prior approval under Part 3 Class Q (a) and (b) and paragraph W of the GPDO for change of use of agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice.

Main Issue

3. In view of the above, the main issue is whether the proposal under Class Q.1(i)(i) would consist of building operations that exceed those permitted as reasonably necessary for the building to function as a dwellinghouse.

Reasons

4. Class Q(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a).
5. Where development is proposed under Class Q(a) together with Class Q(b), it is subject to the condition under paragraph Q.2(1) that before beginning the development, an application must be made to the Local Planning Authority for determination as to whether prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.
6. The Council contends that the building works proposed to facilitate the residential use would fail to comply with the limitations set out in paragraph Q.1(i)(i) of the GPDO because of a degree of ambiguity with the submitted

structural information and due to the plans also appearing to show works to a part of the building that falls outside of the application. It is not alleged that the proposal fails to meet any other relevant criteria under Q.1 or Q.2.

7. The appeal building is a mixed construction comprised of some timber frame elements, some blockwork walls, external timber cladding and a metal sheet monopitch roof. It stands on a concrete base and has relatively few window or door openings. One side of the building extending to around a third of its overall floor area is excluded from the application and is shown as an existing garage/store.
8. Under the GDPO and according to Paragraph W, the procedure for prior approval requires that an application must include a written description of the proposed development, which must include any building or other operations, along with a plan indicating the site and showing the proposed development along with other contact details.
9. The existing and proposed elevations appear to show the opening of the existing garage/store in a different position and scaled differently to how it appears in reality. The proposed elevations appear to show the building with different finishes to the existing elevations, i.e. cladding and roof treatment. Despite that there is an annotation to suggest that the existing garage/store is "*not part of [the] application*," the changes to the finishes also appear to extend over this part of the building. There is also a window proposed in the rear of the garage/store element of the building which does not presently exist. Another window in the rear of the main part of the building on the proposed elevations does not appear to tally with the location of the same shown on the floor plans.
10. In respect of the structural integrity of the building, the application was submitted with a statement of works. The application was also submitted with a '*Report on structural inspection of Wheatsheaf and adjoining barns at Lower Cuthill Farm, Saturdays Lane, Edginswell*' (Redstone Jones Associates, March 2022) (Structural Report). The Structural Report, void of any photographs or other graphic representation as to the location or appearance of the building, refers to barns in the plural tense, as it is alleged to refer to both the appeal building and another unconverted building on the farm. It refers to a pitched roof barn and a flat roof barn. The conclusions indicate that the "... *barns are considered to be structurally acceptable*" but yet the final paragraph refers to a barn in the singular tense without specifying to which specific barn it refers:

"I would expect the current condition of the building to be improved in order to meet the requirements of Building Regulations, and the structure is fundamentally capable of sustaining these improvements."
11. Although referring to the need to meet the building regulations standards for fire and the like, written detail as to the specific nature of the 'improvements' is also generally absent from the Structural Report. Whilst such does not need to be exhaustive, it should be sufficiently clear what components of the existing structure will be reused and what will be upgraded to ensure that only works reasonably necessary for the building to function as a dwellinghouse are permitted.
12. In this case, I find the description of the building and works to be ambiguous, and the plans to be inconsistent in some respects. In the absence of clear

evidence to the contrary, and given the inclusion of works to the garage/store, I can only conclude that the proposal includes works that go beyond those reasonably necessary for the building to function as a dwellinghouse. I therefore find that the proposal would not accord with the requirements of paragraph Q.1(i)(i) of the GPDO.

Other Matters

13. Whilst I note that other conversions have taken place elsewhere on the farm and it is alleged that no more detail than that supplied was submitted in respect of those, this does not dictate the approach that should be taken in all cases. This is particularly so for this case which involves adjoining components of a building which are to be treated as distinct entities.
14. I note the intention that the conversion of the building, or at least the relevant part thereof, would help to tidy up the appearance of the middle of the site between the two already-converted buildings. However, the rationale behind an application for a Class Q prior approval is of limited relevance and I have assessed the appeal specifically on the evidence submitted against the GPDO requirements.
15. Whilst there is some suggestion that the Council has failed to act in a positive and proactive manner as required for applications for planning permission by the National Planning Policy Framework, this is not borne out by the evidence and does not bear on my decision for a prior approval application. Nor do I consider any matters pertaining to any previous applications or related discussions of particular relevance to this case.

Conclusion

16. For the reasons given above, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR