



Appeal Decision

Site visit made on 18 April 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Appeal Ref: APP/L1765/W/22/3304968

**Buildings north of Westbrook Farm Bungalow, Northbrook, Micheldever
SO21 3AJ**

- 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, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
 - The appeal is made by Ms Clarke against the decision of Winchester City Council.
 - The application Ref 21/03277/PNACOU, dated 21 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is 'Application for Prior Approval for Change of Use of agricultural barns to 4 no. dwellings at Westbrook Farm and associated operational development under Part 3, Class Q of the General Permitted Development (England) Order 2015.'
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) states that the Local Planning Authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question.
3. Schedule 2, Part 3, Class Q. (a) of the 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 Class Q. (b) permits building operations reasonably necessary to convert the building referred to in paragraph (a).
4. Q.1.(i) places restrictions on the building operations which can be undertaken. Amongst other things, it states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and, partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

5. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the requirements under Class Q(b) and Class Q.1(i).

Reasons

6. The appeal site contains a collection of buildings of varying sizes and construction types. The submitted plans indicate that several of the buildings would be demolished, as well as a single bay of one of the buildings which is otherwise proposed to be retained. Of the 2 buildings subject of the proposed alterations to enable them to function as dwellinghouses, the smaller is a former milking parlour of blockwork construction with a trussed roof and a concrete floor. The larger building is steel framed, with a cantilevered canopy and a long open side addressing Church Street. The other long side and one end of this building is enclosed by profiled cladding to the middle and upper sections and either timber or blockwork to the lower sections. An area towards the middle of the floor within the larger building appears to comprise bare ground. Both buildings have roofs.
7. Paragraph 105 of the Planning Practice Guidance¹ (PPG) states 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. It further indicates 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.
8. There is no specific requirement in Class Q or paragraph 105 of the PPG for a structural survey to be undertaken demonstrating that the existing buildings are suitable for conversion, and I accept that just because proposed works may be extensive, this does not necessarily disqualify a development from automatic permission via Class Q. However, taking account of the *Hibbitt and Another v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) High Court judgement, it is appropriate to assess whether the building operations proposed would be reasonably necessary to convert the building to dwellings, such that it would fall short of rebuilding and amount to conversion rather than rebuild or fresh build.
9. With regard to the larger building and following the demolition of the end bay closest to the former milking parlour, it would be necessary to enclose the open Church Street facing elevation as well as the old milking parlour facing elevation. Within the appellant's appeal statement, it is indicated that external coverings would be retained, though the amount and location of the external covering to be retained has not been specified. Furthermore, within the planning statement submitted in support of the application it is indicated that the roofs of both of the buildings would be replaced with insulated roof panels and that the profiled sheet cladding to the 2 enclosed elevations of the larger barn be replaced with insulated wall panels. In the absence of compelling evidence to the contrary, I proceed on the basis that those parts of the walls of the larger building which are currently clad in profiled panelling, as well as the roof of the larger building, would be re-clad as part of the development proposals.

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

10. Prepared by a civil and structural engineering company, the revised condition survey indicates that the author's understanding is that the majority of the structures are in good condition considering their age and weather exposure. I have no reason to find otherwise. However, no recommendations are made regarding the incorporation of the original structures in the formation of the proposed dwellings. Furthermore, within the survey it is stated that the barns which comprise steel frames lack the weight and stability necessary to be used for a habitable dwelling. I accept that the purpose of these latter comments was to inform the appellant that some strengthening of the existing frames may be necessary. However, in the absence of any compelling evidence to the contrary, I am unable to conclude that the retained metal framework and the existing floor, would be sufficiently robust to support the additional loading which would result from the cladding or re-cladding of large sections of the building, and, from the insertion of doors windows and rooflights.
11. Any strengthening works to the framework to enable it to accommodate the additional loading would be new structural elements. Following the demolition of the end bay, the larger building would be open to 2 sides. It is also proposed that the roof and a large proportion of the two enclosed walls be re-clad. Prior to the re-cladding, little more than the frame of the original larger building would remain. Regarding the larger building, those works associated with its cladding and re-cladding; the insertion of doors, windows and rooflights; and any works that would be required to strengthen its frame to enable it to function as dwellinghouses, are of a significant amount and magnitude which would go beyond that which would be reasonably necessary to convert the building.
12. The works proposed to the smaller old milking parlour are not as extensive as those to the larger building. Even if I were to find that these works would amount to conversion as per the requirements of Q.(b), the scheme must be considered as a whole, and the proposals to the old milking parlour comprise only a small part of the overall scheme.
13. Cumulatively, and from the evidence before me, those works which are either proposed or necessary to enable the buildings to function as dwellinghouses, go beyond what could reasonably be described as necessary for their conversion.
14. The appellant has drawn my attention to a planning application and several appeal decisions which relate to proposals for the conversion of agricultural buildings to dwellinghouses under Class Q of the GPDO. I do not have full details of the schemes. However, in the case of the barn off Stud Lane² it was found that existing building did not require any structural improvement or new structural elements to the existing frame. Although in the Flourish Farm appeal³ it was suggested that some strengthening works may be needed to the wall and roof cladding, no such requirement was identified in relation to the building itself. These findings are not the case in this appeal.
15. Although the Butlers Barn application⁴ related to an open sided barn, and the delegated report (DR) is dated after the judgement referred to above, there is no reference within the DR to that judgement. As such, I cannot be certain that

² APP/J1860/W/21/3275424

³ APP/N1025/W/21/3277013

⁴ Application 17/00948/PDQS

the author was aware of the judgement at the time of making their recommendation.

16. In the Cross Leys Farm appeal⁵ the Inspector found that the retained barn would remain fully enclosed on all sides, which is not the case in this appeal.
17. Although the Dipper Barn Farm appeal⁶ was allowed, prior approval was granted under the provisions of Class Q(a) only, which solely relates to the principle of the change of use. Furthermore, in that case, the Inspector concluded that the proposal would not comply with paragraph Q.1(i) and would not comprise a conversion. In this case, I need to consider the proposal against Class Q(b) relating to building operations reasonably necessary to convert the building.
18. Even if it were deemed that the changes to the buildings would result in less than significant changes to their external appearance, this consideration would not lead me to an alternative view in respect of this appeal.
19. During my site visit I observed what appeared to be animal stalls, milking equipment and a large trailer within the buildings. The appellant indicates that the smaller building (to be retained) was previously used as a milking parlour, and that the larger building (to be retained) was predominantly used for the sheltering and feeding of livestock and for cereal storage, and that the barns have remained unused since the dairy operation ceased. In the absence of any compelling evidence to the contrary, I therefore accept that the proposal would not conflict with the limitations set out at Q.1(a). However, this consideration does not lead me away from my previous findings.
20. On the evidence before me, I conclude that the proposed development would not satisfy the requirements of Schedule 2, Part 3, Classes Q.(b) and Q.1(i) of the GPDO, having regard to the associated guidance within the PPG, and therefore is not development permitted by it.

Conclusion

21. For the reasons given above, the appeal is dismissed.

V Simpson

INSPECTOR

⁵ APP/J3720/W/21/3271707

⁶ APP/H1705/W/21/3275273