



Appeal Decision

Site visit made on 30 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/H0520/W/22/3309257

Grange Farm, Brook End, Catworth PE28 0PH

- 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.
 - The appeal is made by The Strangward Charitable Trust against the decision of Huntingdonshire District Council.
 - The application Ref 22/00883/PMBPA, dated 08 April 2022, was refused by notice dated 7 June 2022.
 - The development proposed is change of use and conversion of an agricultural building and its curtilage to two small dwellings.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015) for change of use and conversion of an agricultural building and its curtilage to two small dwellings at Grange Farm, Brook End, Catworth PE28 0PH in accordance with the application Ref 20/00974/PDN, dated 08 April 2022, and the details submitted with it including plan nos 54519 01A, 54519 02D, 54519 03G, 54519 04B, pursuant to Schedule 2, Part 3, Paragraph Q.2(1) and Q.2(3) of the GPDO 2015 and subject to the following conditions:
 - 1) Prior to commencement of the development hereby permitted, the Protected Species recommendations at Section 5.0 of the Preliminary Ecological Appraisal by The Landscape Partnership, dated May 2021, shall be implemented.
 - 2) Notwithstanding the submitted details, prior to replacement of external materials and insertion of windows and doors, details of the external materials including texture and colour shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

Applications for costs

2. An application for costs was made by The Strangward Charitable Trust against the decision of Huntingdonshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Class Q(a) of the GPDO 2015 permits development consisting of a 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to certain criteria, and circumstances where development is not permitted are listed under Paragraph Q.1.

Main Issue

4. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO 2015, with particular regard to whether the building operations involved in the development would be to an extent reasonably necessary for the building to function as dwellinghouses, and whether the information provided demonstrates the building is capable of conversion.

Reasons

5. The appeal site comprises a portal frame barn situated within a farm complex. At time of my site visit the building was in agricultural use, namely for storage of agricultural machinery and straw bales. The front elevation comprises open fronted bays. The lower sections of the side and rear elevations are formed by a cavity wall of brick and blockwork, with the upper sections, pitched roof and a section above the open bays formed of corrugated metal cladding. There are uPVC windows at regular intervals along the rear elevation, and the building has gutters and downpipes. A Building Condition Report (BCR) was prepared by a Chartered Building Surveyor and concludes the building is substantial, watertight and in good condition. From my site visit, I saw nothing that would conflict with this assessment of the building's current condition.
6. Paragraph Q.1(i) permits partial demolition and certain building operations, including the installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. Paragraph 105 of the Planning Practice Guidance (PPG) makes clear 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.
7. A new wall would be constructed along the open front, and a number of windows and doors would be inserted. The proposal would also involve the replacement of roofing and cladding. Whilst such building operations would be substantial, they would fall within the scope of works described by Paragraph Q.1(i). A first floor would be inserted, and a full height wall would be constructed to separate the two dwellings. PPG Paragraph 105 notes that internal structural works are not prohibited by Class Q. The extent of the proposed works would not therefore exceed what is reasonably necessary for the conversion of the building to residential use.
8. The BCR indicates that the concrete portal frame structure is expected to have pad foundations and that the cavity walls are built off a traditional concrete foundation. The BCR also notes that the concrete floor was in good order and the cavity walls were not showing any signs of defect arising from the

foundations. Whilst the BCR did not involve investigation of the foundations or underground structures, from its visual assessment it concluded the building is structurally capable of reuse. The proposal would involve additional loads as a result of the proposed building operations. However, the BCR does not suggest that building operations over and above those permitted under Class Q would be necessary to support the additional loads from the proposed development.

9. Responsibility lies with the appellant to demonstrate the building is capable of conversion, and additional structural information would nonetheless provide greater certainty regarding the building's load bearing capacity. However, it does not automatically follow that significant building works would be required. The Council has not provided substantive evidence to suggest additional structural works are necessary. I am therefore satisfied that the evidence before me adequately demonstrates that the conversion of the building would not necessitate building operations beyond those permitted by Class Q.
10. The BCR indicates the existing portal frame would be retained and would provide structural support to the new building operations, including to the new roofing and cladding. The concrete floor will be retained and overlaid with insulation and a new screed floor. Having regard to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin), I do not consider the nature of the proposed building operations would amount to a re-build.
11. For the reasons set out above, I conclude that the proposal would be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO 2015. The extent of the building operations involved in the development would be reasonably necessary for the building to function as dwellinghouses, and I am satisfied that the information provided is sufficient to demonstrate the building is capable of conversion.

Conditions

12. Any prior approval and planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO 2015 is subject to the condition that the development must be completed within a period of 3 years starting with the prior approval date. I have listed the submitted plans in my decision and Paragraph W(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details submitted.
13. Paragraph W(13), Schedule 2, Part 3 of the GPDO 2015 allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. The Council has provided a list of suggested conditions which I have considered against the National Planning Policy Framework's tests.
14. To avoid harm to biodiversity, I have included a condition requiring the mitigation and avoidance measures set out in Section 5 of the Preliminary Ecological Appraisal be applied prior to commencement of the development.
15. To ensure the proposed development would not harm the character and appearance of the area, I have included a condition requiring details of external materials be submitted to the Council for approval.
16. The contamination assessment report identifies no potential sources of contamination and indicates that previous risks were eliminated through conversion of nearby farm buildings. For these reasons, and since the proposed

development involves conversion of an existing building, I do not consider the Council's suggested condition to be necessary.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

E Dade

INSPECTOR