



Appeal Decision

Site visit made on 23 May 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/J1860/W/22/3310572

St Michaels Farm, Oldwood Road, Worcestershire, St Michaels, WR15 8PH

- 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 (as amended).
 - The appeal is made by Mr Simon Dulson against the decision of Malvern Hills District Council.
 - The application Ref M/22/00679/GPDQ, dated 4 May 2022, was refused by notice dated 30 June 2022.
 - The development proposed is described as “change of use and for building operations reasonably necessary for the conversion of an agricultural building to a dwellinghouse.”
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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) for the change of use and for building operations reasonably necessary for the conversion of an agricultural building to a dwellinghouse at St Michaels Farm, Oldwood Road, Worcestershire, St Michaels, WR15 8PH, in accordance with the terms of application Ref M/22/00679/GPDQ, dated 4 May 2022, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the above Order.

Preliminary Matters

2. I have taken the description of development from the Council’s decision notice as this more accurately and concisely describes the proposal.
3. The appellant has submitted amended drawings with the appeal. Briefly they comprise the addition of rooflights, this is partly in order to overcome concerns raised by the Council. The Council have had the opportunity to view the plans and comment on them, as such, I do not consider that taking them in to account in my decision would prejudice any party.

Background and Main Issues

4. Schedule 2, Part 3, Class Q(b) of the GPDO 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) of the Schedule of the Use Classes Order, together with building operations reasonably necessary to convert the building to the Class C3 use.
5. Schedule 2, Part 3, Section W of the GPDO sets out the prior approval process. It states that the Local Planning Authority may refuse an application where, in

its opinion, 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.

6. It was on this basis that the Council refused to grant prior approval for the scheme under Schedule 2, Part 3, Class Q1(i) of the GDPO as it relates to the degree of building operations necessary for the building to function as a dwellinghouse and Conditions Q2 (1)(a), (b), (e), (f) and (g) in relation to transport impacts, noise, suitability of the location, the design or external appearance of the building and natural light.
7. The main issues therefore are; a) whether the proposed building operations are to the extent reasonably necessary to carry out the conversion of the building; b) the practicality and desirability of the location, having regard to noise, odour and transport; c) the design and external appearance of the building; and d) natural light.

Reasons

Extent of Works

8. The appeal proposal relates to the change of use of a barn to a single dwelling. Paragraph Q.1(i) places restrictions on the building operations which can be undertaken. 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, as listed above.
9. The Planning Practice Guidance (the PPG) provides further clarification, including 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, such 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.
10. No guidance is provided as to what 'reasonably necessary' may mean. However, development is only permitted under Class Q to convert the building and it seems to me that this means the building needs to be sufficiently structurally sound and substantially built to be capable of accommodating the proposed works without needing to be rebuilt. The difference between works amounting to rebuilding and conversion is discussed in the case of *Hibbitt vs Secretary of State for Communities and Local Government*¹ to which I have had regard. However, unlike the building in the Hibbitt case, the appeal building has partially clad external walls or eaves on all sides and cannot be considered to be a skeletal structure.
11. The appeal proposal relates to the change of use of a barn to a single dwelling. The barn is an open plan, steel portal frame building with a hardcore floor. Above a low cement block wall there is cladding on all elevations which is a mix between slatted boarding and profile sheeting. The roof is clad in in cement corrugated sheeting, some of which are asbestos. The external cladding to the

¹ [2016] EWHC 2853 (Admin)

walls and roof would be retained and refurbished where necessary. The asbestos cement roof sheets would be removed and replaced with similar roof materials.

12. It is the Council's view that the proposed development would involve works that would go beyond what would be considered as reasonably necessary for the conversion of buildings to form dwellinghouses and would involve the introduction of a new roof, insulation, weatherproofing, internal structure and the provision of significant amount of new exterior glazing.
13. The evidence submitted includes a Structural Survey and associated addendum produced by J. Turner and Associates Ltd (dated 31 January 2022 and 20 September 2022) which states that the building would be capable of conversion. They go on further to state that the existing frame and floor slab can manage the additional loading for insulation and glazing. The addendum provided further clarification noting that the internal stud walls, including insulated timber stud work and waterproof barrier, would be utilised to achieve compliance with Building Regulations and to ensure the proposed layout, this would not be load bearing or support the existing structure. From the submission and associated plans no part of the building would be demolished.
14. The existing structure would therefore be sufficient to provide the main loadbearing element for the dwellings on the existing foundations, and no new structural elements to the external fabric of the building would be required. I see no reason to doubt the findings of these reports and find that they provide sufficient information in terms of structural matters.
15. My attention has been drawn to other appeal decisions involving the conversion of buildings to dwellinghouses under Class Q. However, from the limited details before me these schemes appear to have different contexts, structure shapes and design. The circumstances of these cases do not appear to be the same as the proposed development. I have therefore determined the proposed development on its merits and on the evidence before me.
16. For the above reasons, I conclude that the building operations would be reasonably necessary for the building to function as a dwellinghouse. Consequently, I find that the proposal would comply with the permitted development criteria set out in Class Q.1 (i) of the GPDO.

Design and External Appearance

17. The appeal building is a typical modern agricultural design. Its utilitarian appearance adjacent to another modern agricultural building is a characteristic feature of the surrounding rural landscape.
18. The building would be visible from the surrounding area and highway. The proposed alterations to the elevations would generally retain the appearance of an agricultural building with glazing inserted into existing openings, this together with the sheeted roof would retain much of the building's functional appearance.
19. The main interventions, including window and door openings, largely utilise existing openings. Accordingly, the building would largely retain its agricultural character and appearance. Whilst there would be a number of materials utilised on the external elevations of the building, this is currently the case and is also a feature of rural buildings where repairs have been made over time. Contrary

to the Council's view, I find that the proposal would not have an industrial appearance and as such would not harm the rural character of the area.

20. For the above reasons, I find that the character and appearance of the building and its location would be substantially retained. I find that the proposal would comply with criterion Q.2 (1) (f) of the GPDO.

Practicality and Desirability of Location

21. The appeal site is within open countryside and has agricultural land to the south, west and north east. To the north and south east are residential dwellings and other agricultural buildings. Immediately adjoining the appeal building is an agricultural barn, which during my site visit was being used for storage. The proposed development would utilise an access which currently provides access to an agricultural workers dwelling and two agricultural buildings, one of which is the subject of this appeal.
22. The Council are concerned that the proximity of the proposed development to an agricultural building and an agricultural yard could lead to harmful impacts relating to noise and odour as well as potential conflict with agricultural vehicles. Agricultural buildings can generate noise and smells from the livestock and their waste, and vehicles servicing the barns are likely to further contribute to this. As Class Q allows for the conversion of agricultural buildings, which would inherently be within or near agricultural units, I find that some disturbance, including through noises and smells, would be expected.
23. Given the proximity of the closest barn, if it were to be used for livestock, which during my site visit it was not, there would likely be some noises and smells which would reach the appeal site. However, I find that the orientation of the proposed development, with no glazing facing the nearest barn, would be sufficient to limit any disturbance to an acceptable level considering its rural location.
24. Furthermore, as the access track to the site serves only a small number of fields and one agricultural building, I find the number of vehicular movements likely to utilise the access to be low. Additionally, there would be a separate parking area to serve the proposed development which, due to the layout of the site, would have good views of incoming and egressing vehicles. Mindful of this, and the limited number of movements likely, I find the vehicles would not be unduly disruptive, cause an unacceptable disturbance or introduce a conflict that would have harmful highway impacts.
25. I therefore find that the impact of the agricultural unit surrounding the appeal site would not unacceptably affect the living conditions of the future occupiers, by way of smells, noises or conflict between residential and agricultural vehicles. The proposed development would not therefore be in an undesirable or impractical location.
26. For the above reasons, I find that the proposal would comply with criterion Q.2 (1) (a), (b) and (e) of the GPDO.

Design and External Appearance

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29. The main interventions, including window and door openings, largely utilise existing openings. Accordingly, the building would largely retain its agricultural character and appearance. Whilst there would be a number of materials utilised on the external elevations of the building, this is currently the case and is also a feature of rural buildings where repairs have been made over time. Contrary to the Council's view, I find that the proposal would not have an industrial appearance and as such would not harm the rural character of the area.
30. For the above reasons, I find that the character and appearance of the building and its location would be substantially retained. I find that the proposal would comply with criterion Q.2 (1) (f) of the GPDO.

Adequate Natural Light in Habitable Rooms

31. Criteria Q2 (1) (g) relates to the provision of adequate natural light in all habitable rooms. The application drawings considered by the Council do not show all bedrooms as having windows or another natural light source. On this basis there would clearly be inadequate natural light to these habitable rooms.
32. However, the submitted amended plans demonstrate additional roof lights to the bedrooms on the mezzanine floor, recessed glazing elements (some of which are obscure for privacy reasons) in addition to the existing large doors on three elevations. The plans demonstrate some form of natural light, for all habitable rooms, thereby achieving adequate natural light.
33. I have had regard to the Council's concerns regarding the recessed glazing. The recessed area would be served by a tall wide window/door that would reach to eaves height. Due to the height and width of these glazing elements I consider that sufficient natural light would enter the recessed area and the bedrooms.
34. For the above reasons, I find that the proposal would comply with criterion Q.2 (1) (g) of the GPDO.

Conditions

35. Any change of use granted under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. The Council have not requested any conditions and I see no reason, based on the evidence before me, that additional conditions should be included.

Conclusion

36. Sufficient evidence has been submitted to demonstrate that the proposal complies with the conditions, limitations and restrictions associated with Class Q of the GPDO.
37. For these and the above reasons, the appeal scheme would comply with the description of permitted development as it is set out by Class Q. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR