



Appeal Decision

Site visit made on 6 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/E3715/W/23/3317437

Barn adjacent to Nethercote Barn, Nethercote Road, Nethercote, Flecknoe, Warwickshire CV23 8AS

- 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 (as amended) (GPDO).
- The appeal is made by Mr T Cresswell against the decision of Rugby Borough Council.
- The application Ref R22/0695, dated 8 July 2022, was refused by notice dated 1 September 2022.
- The development proposed is alterations, including removal of structures on the east and west elevations, and re-use of agricultural building to form dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of the General Permitted Development Order (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 any building operations reasonably necessary to convert the building. The application includes details of both the change of use and the building operations proposed.
3. The appeal site has been the subject of a previous appeal decision (APP/E37/15/W/21/3286929) to convert the building using the prior approval process in Schedule 2, Part 3, Class Q of the GPDO. The current appeal differs from the previous appeal in that it includes the retention of some of the existing metal sheeting and timber cladding on its external elevations.

Main Issue

4. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having particular regard to whether the building operations proposed would be reasonably necessary for the building to function as a dwellinghouse.

Reasons

5. The appeal site consists of a detached, rectangular shaped agricultural barn with a pitched roof. The barn is adjacent to a residential dwelling and a former agricultural building that has been converted to residential.
6. The agricultural barn comprises a steel portal-frame with a solid concrete slab floor. It is fully enclosed on all sides. The barn's walls are mainly constructed

from steel sheeting at the lower sections, with corrugated fibre cement sheeting on its upper sections. The front elevation contains timber cladding with corrugated fibre cement sheeting above, and there are three large openings that are enclosed by timber doors. Its roof is fully enclosed and is constructed from corrugated fibre cement sheeting. The barn also includes a single storey timber covered entrance to the front elevation and a small lean-to at the rear.

7. Paragraph Q.1 (i) of the GPDO permits the installation or replacement of windows, doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG)¹ provides further guidance in this regard, establishing 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. Therefore, 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. The appellant's Structural Survey² indicates that the building is in good condition and generally the main structural members are all in satisfactory condition. It also states that the steel frame is in a suitable condition and is deemed to have the appropriate structural integrity for the proposed use.
9. Notwithstanding the above, the Structural Survey makes clear that only a visual inspection took place, and that the survey was non-intrusive with no opening up of areas performed. There were also no intrusive ground investigations performed to ascertain the ground conditions or inspect the foundations. Furthermore, there is limited evidence to support the survey's conclusion and it is without the benefit of structural calculations.
10. The proposal would utilise the barn's existing steel portal frame, the existing concrete flooring, and some elements of the walls, such as the steel sheeting and timber cladding. However, the building operations proposed would include new elements such as the complete replacement of the roof, part replacement of the walls, and the installation of extensive windows and glazed door openings, including full-height glazing. A glazed lantern would also be installed along the full length of the roof ridge. As such, this would require substantial alterations to the building's outer fabric.
11. The Structural Survey has not confirmed whether the new materials to be used for the part replacement of the exterior walls and the new roof covering would require additional stability and support, and whether it would place any additional loading pressure on the existing framework. Furthermore, it is not clear if the existing structure would be capable of sustaining the additional load of the proposed windows, glazed doors and roof lantern. There is also no mention of how the building would be insulated.
12. Although work permitted within Class Q can include the installation or replacement of windows, doors or exterior walls, there is no evidence before me to indicate whether or not these new elements would require additional structural support to the original building.

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

² Holbrook Design Services Ltd, dated: 19 July 2021

13. Whilst some of the proposed building operations, such as the installation of windows and doors, may in isolation amount to works which would be reasonably necessary, I find that the proposed glazing is so extensive that it would go beyond what could be described as building operations reasonably necessary to convert the existing agricultural building.
14. Even though the barn's timber cladding would be retained, the Structural Survey is silent on its condition. It is therefore not clear if the timber cladding is free from rot and whether it would be suitable for refurbishment by way of painting or staining to continue as a suitable external finish for the building.
15. Consequently, the extent of additional rebuilding work required to support the new materials and facilitate the conversion of the building remains uncertain. Furthermore, since the Structural Survey only involved a visual inspection and did not assess the foundations, it is impossible to ascertain whether any further works would be necessary for the remaining structure.
16. Although the Council has not provided any counter evidence from a similarly qualified structural engineer, the onus is on the applicant to provide sufficiently robust evidence of the acceptability of the proposal with respect to the requirements of the GPDO.
17. For the reasons given, there is insufficient information to determine that the existing structure is capable of supporting the building operations proposed without new structural elements, and that these building operations would not go beyond those reasonably necessary for the building to function as a dwellinghouse.
18. Accordingly, the proposed development does not comply with Part 3, Class Q, Paragraph Q.1 (i) of the GPDO. As such, the proposal does not benefit from permitted development rights under the provisions of the order.

Other Matters

19. Given my findings above in respect of the new building work required to facilitate the residential use of the building, as a matter of fact and degree, I find that the circumstances in the Hibbett case are not directly comparable. In any event, I have dealt with this appeal on its own merit.
20. The Parish Council raises the matter that the agricultural building should have been demolished as part of a previous planning permission. However, there is no evidence before me to suggest that the use of the barn has deviated from an agricultural one. In any event, the lawfulness of the building is not a matter for me in this appeal.

Conclusion

21. For the reasons given above, I conclude that the appeal is dismissed.

H Smith

INSPECTOR