



Appeal Decision

Site visit made on 20 July 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/D3505/W/22/3310927

Buildings North of Lodge Farmhouse, Easting 595962 Northing 243358

- 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) Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Gordon Williams against the decision of Babergh District Council.
- The application Ref DC/22/02141, dated 22 April 2022, was refused by notice dated 28 June 2022.
- The development proposed is change of use of agricultural buildings to one dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates this is an appeal against a refusal of planning permission when the original application to the Council was made under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). I have dealt with the appeal as against the Council's decision to refuse prior approval.
3. I have removed extraneous wording from the description of development in the banner heading.

Main Issues

4. The main issues are:
 - whether or not the development would comprise building operations reasonably necessary to convert it to a use falling within Class C3 (dwellinghouses); and
 - the transport and highways impacts of the development.

Reasons

Building Operations

5. Class Q permits building works that are reasonably necessary to allow the conversion to take place. However, Paragraph 105 of the Planning Practice Guidance¹ confirms that 'It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably

¹ When is permission required Paragraph: 105 Reference ID: 13-105-20180615 Revision date: 15 06 2018

necessary for the conversion of the building to residential use', ergo there is an implicit limitation to the scope and extent of works permitted.

6. The structural evidence submitted with the appeal indicates that consideration could be given to rebuilding part of the main barn on a new foundation and that parts of the plinth wall of the timber framed barn would also need to be rebuilt and this would give the opportunity to provide a suitable foundation to satisfy the requirements of any future building regulations design. The reports also set out the need for further analysis of the lightweight steelwork frame of the main barn should additional loadings be required and identifies examples of such additional loading as roof finishes, insulation and ceiling. As the evidence advises the corrugated asbestos roof covering is due for replacement as part of any refurbishment and that the walls will be insulated, it seems likely that such further works would be required.
7. The potential need for enhancements to the roof framing of the timber framed barn, strengthening and or replacement of sections of the external timber framed wall, and the need for further structural support for the building are also referenced in the evidence.
8. While works of the type set out above can fall within the scope of Class Q, the scale, amount and degree of works that are likely to be required would go beyond what would be considered reasonably necessary to allow conversion of the building. The PPG is clear that it is not the intention of the permitted development right to go beyond this and that it is a matter of planning judgement if works fall within the parameters of Class Q. In this case I find that they do not and I therefore consider the proposal would not satisfy the description of permitted development as set out in Class Q.

Highways

9. Paragraph Q.2(1) sets out matters to be determined during the prior approval process which includes the transport and highways impacts of the proposed development. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if the application were a planning application. Paragraph 110 of the Framework requires that safe and suitable access to the site can be achieved for all users and paragraph 111 confirms that development should only be refused on highways grounds, insofar as it relates to this appeal, if there would be an unacceptable impact on highway safety.
10. The highway adjacent to the site is of limited width and operates at the national speed limit. The appeal proposal would utilise the existing access and the appellant's evidence includes drawings which illustrate the necessary visibility splays at this access. These drawings show the visibility splay passing through land under the control of a third party. At my site visit, I observed that visibility was significantly obstructed by planting on this land. The combination of these factors would result in an adverse effect on highway safety.
11. The proposed development makes adequate provision for parking and manoeuvring space. As an existing access, the adverse effect on highway safety exists at present. There is no substantive evidence before me as to the number of trips generated by the existing agricultural use. However, the

presence of an existing harm does not justify allowing that harm to continue or potentially worsen should there be increased usage.

12. The other issues raised by the local highways authority in their response could, where necessary, be addressed through conditions. However these considerations would not mitigate the adverse effect on highway safety I have identified above.
13. For the reasons above, the use of the access would therefore have an unacceptable transport and highways impact which is identified as an issue for determination in paragraph Q.2(1)(a) of Part 3 of Schedule 2 of the General Permitted Development Order.

Other Matters

14. There is no provision within Class Q for viability or the heritage benefits of a scheme with respect to non-designated heritage assets to be taken into account. The Council has made me aware there are two listed buildings, Lodge Cottage and Primrose Cottage in proximity to the site. Due to the separation between the site and Primrose Cottage, the intervening development to Lodge Cottage and the utilitarian nature of the main barn, I consider there would be a neutral effect on the setting of both listed buildings were the proposed development to be carried out. Their special interest would therefore be preserved.
15. The brief report states that the agricultural uses of the site have substantially expired over the years. Paragraph Q.1(a) imposes requirements with respect to the use of the site. At my site visit, I saw the missing areas of the brick plinth wall referred to in the submitted evidence. I also note the reference in the supporting evidence to facing the concrete to restore the plinth where it has decayed or been removed. It is unclear how these works would take place without extending beyond the external dimensions of the existing structure, which is expressly prohibited by paragraph Q.1(h). However given my findings on the main issues above, it has not been necessary to explore these matters further.

Conclusion

16. For the reasons given above, the proposal would not comply with the description of permitted development as it is set out by Schedule 2, Part 3, Class Q of the GPDO. The appeal should therefore be dismissed.

J Downs

INSPECTOR