



Appeal Decision

Site visit made on 20 December 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 January 2024

Appeal Ref: APP/D1265/W/23/3327814

St Matthews Farm, Shaftesbury Road, Forest Deer, Dorset SP8 5QJ

- 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).
 - The appeal is made by MS and JG Hall against the decision of Dorset Council.
 - The application Ref P/PAAC/2023/00608, dated 31 January 2023, was refused by notice dated 27 March 2023.
 - The development proposed is change of use and conversion of 3 No. agricultural buildings to 3 No. dwellings (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more concise than that used in the application form. The appellants have used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.

Background and Main Issue

3. 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 (dwellinghouse) of the Use Classes Order and any building operations reasonably necessary to convert the building.
4. The proposal is for both a change of use and the building operations involved. It seeks to convert two existing barns to form two 'larger' dwellinghouses (Barns A and B) and another barn to a 'smaller' dwellinghouse (Barn C). Whether the proposal would fall within the floorspace limitations of the GPDO is a matter of dispute. Also disputed is whether the works would go beyond a conversion, such that they would fall outside the scope of the GPDO.
5. Accordingly, the main issues are whether the proposal would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with regard to:
 - the floorspace of the proposal, and
 - the building operations necessary to convert the buildings to residential use.

Reasons

Floorspace

6. The floorspace of the proposal including both larger and smaller dwellinghouses would exceed 465 square metres. The Council considers that this does not comply with the limits of the GPDO. However, sub-section Q.1(b)(i)(bb) only refers to this threshold with regard to the combined floorspace of larger dwellings, in this case Barns A and B. Together, their floorspace would be below 465 square metres. The proposal would also not exceed the size threshold of Q.1(ba) and Q.1(d)(i). For these reasons, the floorspace of the proposal would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Building Operations

7. The GPDO permits the conversion of existing buildings, including where they would involve building operations. These can include the installation or replacement of windows, doors, roofs, and exterior walls, and the installation of services, to the extent reasonably necessary for the building to function as a dwellinghouse.
8. However, the High Court decision of *Hibbitt*¹ clarifies the extent of these rights, including that the buildings must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. The Planning Practice Guidance² also makes clear that the GPDO does not intend to allow rebuilding work beyond that necessary for conversion. Only where the existing building is already suitable for conversion to residential use would the building have the permitted development right.
9. The barns each have steel portal frames and I do not doubt the findings of the structural surveys that they are in a robust condition. Their walls consist partly of concrete panels. Above these, and partially overlapping them, are vertical softwood 'hit and miss' panels to the sides and rear, except for Barn B which has a rear wall of steel panels. The barns are largely open fronted, and as proposed these would be infilled. The frames of all the barns would be retained, and all already have mains water and electricity.
10. As part of the conversion, the steel rear wall of Barn B would be kept, as would the relatively tall concrete wall sections of Barn C. Accordingly, the proposal would result in a large extent of Barns B and C being retained. However, the conversion of Barn A also proposes the replacement of the softwood sections of the side and rear walls. This is intended to ensure visual consistency and maintain its barn-like character. Nevertheless, taken together with the infilling of its open fronted section and the other changes necessary, the alterations to Barn A would form sizable new-build elements.
11. Consequently, taken as a whole, the extent of changes in respect of Barn A would constitute the substantial re-building of the existing structure. As such, the building operations necessary to convert it to residential use would not comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO.

¹ *Hibbitt and another v SSCLG and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

² Paragraph 105 Reference ID 13-105-20180615

12. However, in respect of Barns B and C, given the extent of the retained elements, the building operations necessary to convert them to residential use would not be substantial and so would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO. Nevertheless, in light of my findings with regard to Barn A, I conclude that the proposal as a whole would not benefit from the permitted development right provided by GPDO Class Q.

Other Matters

13. My attention has been drawn to examples of barns nearby, said to have been converted under GPDO Class Q, which I was able to see on my visit. Although they may well have involved new or replacement cladding, I have only limited information about these proposals and the extent of the re-building works involved. Nor do I have full details about an earlier similar proposal at the appeal site. I am also mindful of the personal circumstances of the appellants' family. Ultimately however, I must consider the proposal before me on its own facts and in accordance with the legislation. These other cases and factors do not therefore lead me to reach a different conclusion.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

O Marigold

INSPECTOR