



Appeal Decision

Site visit made on 12 December 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/L2630/W/23/3318881

**Agricultural Building Unit 2, South of Beech Farm, Tunbeck Road, Alburgh
IP20 0BS**

- 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 GPDO).
 - The appeal is made by Mr and Mrs Soanes against the decision of South Norfolk Council.
 - The application Ref 2022/2233, dated 25 November 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the change of use of an agricultural building to a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is reference to the proposal seeking to address the concerns which lead to a previous refusal of prior approval for the change of use of the building to two dwellings (application ref 2019/0030), but I must determine the proposal on its merits based on the information before me.

Background and Main Issue

3. Class Q of the GPDO permits the change of use of an agricultural building to a dwellinghouse. Clause Q(b) allows for change of use and building operations that are reasonably necessary for the development. Paragraph Q.1(i) allows for partial demolition and the installation or replacement of windows, doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse. The extent of such operations must be reasonably necessary to convert the building to a dwellinghouse.
4. The main issue in this case is whether or not the proposed operations would go beyond the limitations set out in Clause Q(b) and paragraph Q.1(i).

Reasons

5. The site comprises a single storey agricultural building. It has a corrugated fibre cement sheet roof, expected to contain asbestos, which is bowed and damaged in places and has some vent holes. The roof is supported by internal timber frames and by load bearing timber stud walls on the east and west elevations. The walls are clad in timber and plywood boarding though the east elevation is largely open sided. Consequently, whilst there is a solid concrete floor, parts of building are missing and damaged and it is not watertight.

6. The parties refer to the *Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* High Court case¹. Whilst this related to different works to those proposed, it established that the building must be capable of functioning as a dwellinghouse without operations amounting to the rebuilding of the pre-existing structure, otherwise it would fall beyond the notion of conversion embedded in the permitted development right. The Planning Practice Guidance also states that it is not the intention of Class Q to allow rebuilding work which would go beyond what is reasonably necessary for the conversion to residential use. This is a matter of planning judgment, based on fact and degree in each case.
7. The proposal would retain the existing structural frame and the existing cladding on two sides of the building, including inserting windows into existing openings on the west elevation and a new door opening in the south elevation. The Structural Inspection Report finds the general condition of the building to be fair to good but with localised areas of decay in some structural elements. Although it concludes that the structure would be capable of conversion to a dwelling, the proposal includes a replacement roof and the demolition of a large part of the building, resulting in the construction of two new external walls in different locations to the existing ones and a change to the building shape. Therefore, the proposal would go beyond conversion and involve substantial rebuilding of the structure, with a significant part of the dwelling being wholly new.
8. There is limited evidence to support the Council's assertion that the works required to create the dwelling would be greater than those indicated in the submission. Nevertheless, taken together, I consider that the nature and extent of the proposed building operations would be of such magnitude to be beyond the scope of a conversion in Class Q of the GPDO.
9. An adjacent agricultural structure has prior approval to convert to a dwelling under Class Q (application ref 2022/0687). Whilst it would also retain the existing structural frame and include a replacement roof, there is no indication of any new wall construction nor any alterations to the building shape. Therefore, it is not comparable to the proposed development.
10. Consequently, I conclude that the proposed operations would go beyond the limitations set out in Clause Q(b) and paragraph Q.1(i), and therefore the proposal would not be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q(b) of the GPDO.

Other Matters

11. There is a grade II listed building, "Gayridge", beyond the adjacent agricultural structure to the north, but the parties do not refer to the proposal affecting its setting. As I am dismissing the appeal for not being permitted development under Class Q(b), there is no need for me to consider the impact of the proposal on the setting of the listed building in this case.
12. The appellants refer to several other matters that are considered to support the proposal including the low risk of flooding, potential boundary screening, and lack of harm to heritage assets and designated landscapes. However, the GPDO

¹ *Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

grants planning permission within specified parameters, and none of these points affect whether the proposal is permitted development under the GPDO.

Conclusion

13. For the reasons given above, the appeal is dismissed.

A Wright

INSPECTOR