



Appeal Decision

Site visit made on 5 December 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/R0660/W/23/3324697

Agricultural building at land east of Hallgreen Lane, Somerford 383021, 365883

- 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.
 - The appeal is made by Bell Estates Partnership against the decision of Cheshire East Council.
 - The application Ref 23/0129C, dated 10 January 2023, was refused by notice dated 23 February 2023.
 - The development proposed is described as prior approval: Change of use - agricultural to dwellinghouses.
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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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the Change of use – agricultural to dwellinghouses at agricultural building at land east of Hallgreen Lane, Somerford 383021, 365883 in accordance with the application Ref 23/0129C made on 10 January 2023, and the details submitted with it including plan Nos P22101_003_Site and Location Plan, P22101_004_Class Q Proposed Plans and P22101_005_Class Q Proposed Elevations. The application is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.

Main Issue

2. The main issue is whether the proposed development would fall within the scope of development permitted by Schedule 2, Part 3, Class Q of the GPDO.

Reasons

3. The barn is a large, metal-framed building finished in cladding to the walls and roof. The building is set back from the road within a field, I understand both the field and barn to be agricultural. The proposal would convert the barn to two dwellings with associated parking and garden areas. Along with internal works, this would include external works such as the creation of new openings for windows, doors and the replacement of the roof. From the submissions before me, I understand that the existing wall cladding would be retained but repainted.

4. The Planning Practice Guidance (the PPG) sets out¹ that the right assumes the building is capable of functioning as a dwelling, in this case the barn is structurally sound, and the walls and roof cladding is complete and in good condition. I therefore find that the building is suitable for conversion subject to the provisions of Class Q.
5. GPDO Paragraph Q(b) allows for building operations reasonably necessary to convert an agricultural building to a use falling within Class C3. GPDO Paragraph Q.1(i) (i) sets out these operations, which include the installation or replacement of windows, doors, roofs, exterior walls or services to the extent reasonably necessary for the building to function as a dwellinghouse. These cover the works proposed above, which I find would be reasonably necessary in providing suitable living conditions for future occupiers. In particular, the additional openings would allow appropriate access, outlook and light for future occupiers while the replacement roof cladding would improve the building's insulation.
6. PPG Paragraph 105 states that it is not the intention of the right to allow rebuilding works which would go beyond what is reasonably necessary. Although fairly significant, especially the replacement roof cladding, I do not find the scale of the operations, relative to the scale of the barn, to be so great as to be tantamount to rebuilding.
7. I am satisfied that the barn is capable of functioning as a dwelling and that the proposed internal and external works would be reasonably necessary to convert the building to such a use. Consequently, the proposed works would not exceed the limitations set out in Paragraph Q.1(i) in pursuance of Q(b) of the GPDO. In reaching this decision I have also been mindful of the Hibbitt [2016] EWHC 2853 (Admin) High Court judgement.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed, and approval granted.

Samuel Watson

INSPECTOR

¹ Paragraph 105, Reference ID 13-105-20180615