



Appeal Decision

Site visit made on 15 January 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/D0840/W/23/3325182

Shippen Barn, St Pinnock, Liskeard PL14 4NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Mr Gary Martin against the decision of Cornwall Council.
 - The application Ref PA23/02625, dated 29 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is conversion of existing agricultural building and reasonably necessary building operations to form a single dwellinghouse.
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Decision

1. The appeal is allowed and approval is granted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of existing agricultural building and reasonably necessary building operations to form a single dwellinghouse at Shippen Barn, St Pinnock, Liskeard PL14 4NA in accordance with the terms of the application, Ref PA23/02625, dated 29 March 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development must be completed within a period of 3 years starting with the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 01 – Site Location Plan; 22/13/1 – Drawing As Existing; 22/13/2B – Drawing As Proposed; 22/13/3 – Site Plan.

Background and Main Issue

2. Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to a number of situations where such development is not permitted, listed under Paragraph Q.1. The Council raises no concerns in respect of the proposal complying with criteria Q.1 (a)–(h) and (j)–(m). The Council considers, however, that the development is not permitted by Class Q, because the proposal contravenes the requirements of paragraph Q.1(i).

3. Consequently, the main issue is whether the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse.

Reasons

4. The building is an open-fronted single storey structure with concrete block walls. It has a shallow mono-pitched roof, covered in galvanised corrugated steel sheeting, which is supported by a timber frame that rests on the block walls on three sides and two timber posts along the open frontage. As the roof covering is supported by broad timbers that rest on the wall plates, there is a significant gap between the wall and the roof covering on the rear elevation. The roof covering is folded down over the end walls of the building, so that there is no such gap. The building does not have a solid floor covering, but overall, the building is of robust construction, and has a utilitarian appearance.
5. The application was accompanied by a Structural Inspection (the SI), which found no evidence of any damage or significant decay within the timber posts or roof structure, and no signs of excessive corrosion or water ingress in the roof covering. The SI also includes the results of trial hole excavations to ascertain the adequacy of the existing foundations, and structural calculations to demonstrate their capacity to accommodate the additional loading from the conversion works. The SI concludes that the roof covering could be retained, and that it would be feasible to convert the main building and to retain the existing structure for support. As the SI was prepared by a suitably qualified professional, and I have no robust evidence to cast doubt on its findings, it carries significant weight in my decision.
6. The proposal would involve the enclosure of the front elevation of the building with a new insulated wall with a cedar clad exterior. The SI confirms that this element could be supported by the existing posts and their pad foundations. The existing block perimeter walls would be lined with insulation, and a line of high-level windows would be installed to fill the gap between the rear wall plate and the roof covering. The submitted drawings state that the existing exterior blockwork would be painted, and that all roof timbers and the roof covering would be retained. Although not specified on the drawings, a new insulated floor would be necessary, and new internal walls would be installed. Externally, however, the drawings show the roof and three sides of the building to be largely unaltered.
7. The Council has raised doubts about whether the existing roof structure would have been suitable for retention without recent remedial works. I saw that some of the roof timbers are relatively recent, and the SI confirms that repairs to the purlins have been undertaken, with spliced timbers installed due to decay in the originals. These works were entirely internal, so would not have required planning permission. It is a matter of conjecture whether they were carried out with a view to making the building more suitable for conversion, or whether they were, in fact, sensible works of maintenance to ensure the continued serviceability of the building for agricultural purposes. In any event, the appellant states that the replacement timbers are not structural, and I have no robust evidence before me to indicate otherwise. Consequently, I have no reason to conclude that the repairs were a necessary precursor for the conversion of the building in accordance with the requirements of Class Q.

8. The SI states that the roof covering is in suitable condition to be retained within the proposed conversion. Notwithstanding this, the Council contends that the works required to facilitate the proposed eaves details means it is unlikely that the existing roof covering would, in fact, be retained. No technical evidence is provided in support of this assertion, and I saw no obvious reason why the existing roof covering could not be trimmed and incorporated within the proposed eaves detailing with relatively minor external works. In any event, paragraph W.(11) of the GPDO requires that the development must be carried out in accordance with the approved details. The submitted drawings state that the existing roof covering will be retained, and I have no reason to conclude that this requirement could not be met.
9. The Council contends that the cumulative impact of a new front wall, floor, and roof would take the proposal outside the scope of conversion, and my attention is drawn to the Hibbitt case¹, which considered the difference between conversion and rebuilding. That case, however, involved a proposal to convert a steel framed barn which was largely open on three sides, and the proposed building works included the construction of all four exterior walls. The appeal proposal, by contrast, involves a building that is fully enclosed by walls that would be retained on three sides. Furthermore, as already stated, there is no evidence to indicate that the roof could not also be retained. The starting point would not, therefore, be a skeletal structure, as in the Hibbitt case.
10. The Planning Practice Guidance advises that internal works are not generally development, and for the building to function as a dwelling, it may be appropriate to undertake internal structural works, including to allow for a floor, or internal walls, which are not prohibited by Class Q². Consequently, the interior lining of the structure, the internal partition walls, and the provision of a floor would fall within the scope of the permitted development rights conferred by Class Q of the GPDO.
11. I acknowledge that there would also be external changes, with the high-level windows to the west elevation, and, more fundamentally, an entirely new façade to the east elevation. However, Class Q.(b) of the GPDO permits building operations that are reasonably necessary to convert the building to a dwellinghouse. Paragraph Q.1(i) specifies that the installation of windows, doors, and exterior walls are not excluded from this definition. The proposed works would be necessary to provide enclosure to the living accommodation, and to allow natural light to the internal rooms. They would, therefore, be reasonably necessary to allow the building to function as a dwelling, so would be permitted development.
12. Whilst substantial alterations would be necessary to render the building suitable for residential accommodation, the works would either be permitted by Class Q.1(i) of the GPDO, or would be internal work that would not constitute development. The SI concludes that the existing structure could be retained, and is suitable to support the additional works. Furthermore, three walls and the roof would remain intact. In these circumstances, the works would constitute conversion rather than re-building.

¹ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

² Paragraph: 105 Reference ID: 13-105-20180615

13. For the above reasons, I conclude that the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse. Consequently, the proposal would comply with the requirements of paragraph Q.1(i) of the GPDO.

Conditions

14. Planning permission granted for the change of use of agricultural buildings to dwellinghouses under Schedule 2, Part 3, Class Q of the GPDO must be completed within a period of 3 years, starting with the prior approval date, in order to comply with condition Q.2(3). I have therefore imposed a condition to this effect for the avoidance of doubt. In view of the requirements of paragraph W.(11) of the GPDO, I have also imposed a condition requiring that the development is carried out in accordance with the approved plans.

Conclusion

15. I therefore conclude that the appeal should be allowed, and prior approval granted.

Nick Davies

INSPECTOR