
Appeal Decision

Site visit made on 26 March 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/E3335/3332124

Chilton Trivett Farm, Blackmore Lane, Cannington, Bridgwater TA5 2LG

- 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 & Mrs K S Coles against the decision of Somerset Council.
 - The application Ref is 13/23/00011.
 - The development proposed is conversion and reasonable works to deliver five dwellings.
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Decision

1. The appeal is dismissed.

Background and Main Issues

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. Where development is permitted by Class Q, Paragraph Q.2 requires developers to apply to the local planning authority as to whether prior approval is required for a range of factors in (1) (a) to (g), including (f) the design or external appearance of the building. Although not clearly stated in this way on the decision notice, the Council has effectively determined that, if the proposal was permitted by Class Q, prior approval under (f) would have been necessary, and that it would have been refused, because the design of the development would have an adverse impact on the character of the area.
4. Therefore, the main issues are whether the proposals would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO and, if they do, the impact of the development on the character and appearance of the area.

Reasons

5. The appeal relates to a utilitarian agricultural building that is supported by six portal frames. Two of these frames have been cut and attached to concrete posts, which previously supported an adjoining building that has now been removed. The appeal building has a concrete floor enclosed on three sides by walls composed of concrete panels to approximately two or three metres in height. There is steel sheeting above these panels to roof level on two sides, but one side is open to eaves level above the concrete panelling, and one end is entirely open. The whole building is covered by a pitched roof of corrugated fibre cement sheeting. In view of the largely open nature of two sides of the building, significant work would be required to enable its use for residential purposes.
6. The submitted drawings show the provision of five dwellings within the existing external dimensions of the building. They also show significant external alterations, including the enclosure of the open side and end of the building, and the insertion of extensive window openings in the two elevations that are currently enclosed with steel sheeting. The drawings do not carry any annotations to indicate what structural elements or external materials of the existing building would be retained, or how they would be incorporated within the development. Furthermore, there is no Schedule of Works to clarify how the conversion would be carried out.
7. However, Class Q(b) permits building operations that are reasonably necessary to convert the building to residential use. Paragraph Q.1(i) indicates that such operations can include the installation or replacement of windows, doors, roofs, or exterior walls, water, drainage, electricity, gas, or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out the permitted building operations.
8. The Planning Practice Guidance provides advice on the interpretation of Class Q¹. It clarifies that the permitted development right conveyed by Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations that are reasonably necessary to convert the building, but it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
9. In coming to my decision, I have also had regard to the Hibbitt case², which held that a building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.
10. The application was accompanied by a Structural Investigation Report³ (the Structural Report) compiled by a suitably qualified expert. The Structural Report considered the suitability of the portal-framed structure to support the proposed conversion. It concluded that some strengthening was likely to be

¹ Paragraph: 105 Reference ID: 13-105-20180615

² Hibbitt v SSCLG [2016] EWHC 2853

³ Investigation of Barn for Proposed Conversion: Barn F – Exact Structures Ref 200708/R06 – rev. B

necessary to the frames that had been severed and attached to proprietary concrete posts. It is also noted that some additional out-of-plane stability would be required for two of the portal frames, which could be provided through the use of racking walls or additional bracing. A review of the Structural Report by another suitably qualified expert from the same practice⁴ was submitted with the appeal. It concurred with the original report in concluding that, with some relatively minor works to improve overall stability, the structural elements of the existing building could be retained as support for a conversion.

11. I have no evidence to cast doubt on the expert advice contained in the Structural Report and its review, and I am therefore satisfied that the existing steel frame could provide structural support for a scheme of conversion. I note, however, that the submitted drawings do not specify its retention, or the manner in which it would be used to support the remainder of the development.
12. The Structural Report states that the roof sheets appear to be in reasonable condition and could be retained as part of the barn conversion. There is no evidence to cast doubt on this finding, and I saw nothing at my visit to lead me to a different conclusion. There are, however, a number of translucent panels within the existing roof, which do not appear on the submitted drawings for the conversion. There is no annotation to indicate whether these would be retained, patched over, or whether there would, in fact, be a wholesale replacement of the roof covering.
13. The Structural Report advises that the existing steel wall cladding appears in good condition, so could be kept as the waterproofing to the converted barn, with insulation and finishes provided on an independent timber frame supported by the existing structure. Whilst this may be feasible, there are no constructional details on the submitted drawings to demonstrate that this is what is proposed. In fact, the drawings indicate that some, or all, of the cladding would be removed. Two different materials are indicated for the upper and lower portions of the external walls that are currently clad to the ground in steel sheeting. The drawings do not specify that the upper portion would comprise retained cladding, or that the lower portion is the existing concrete panelling. Consequently, although the appellants state in their appeal submissions that the existing materials will be retained, there is nothing on the drawings to ensure that this would actually be the case.
14. Numerous ground floor window and door openings are proposed in the three elevations of the building that are currently enclosed, at low level, by concrete panelling. The Structural Report is silent on the feasibility of retaining these concrete panels as part of the conversion, or whether, with so many openings punched through them, they would retain sufficient structural integrity to support the walls and windows above, which is what appears to be proposed on the submitted drawings. Furthermore, even if the upper level is intended to be retained cladding, large window openings are proposed, which would leave the integrity of the original sheeting in question. There is no annotation on the drawings, or a Schedule of Works, to confirm that the cladding could be retained in situ during the conversion works.

⁴ Appeal Statement by Hilda Turnbull, Structural Engineer, Exact Structures Ltd - 23rd October 2023

15. So, whilst I have no reason to question the content of the Structural Report, the submitted drawings lack the necessary clarity and detail to persuade me that the development would proceed as a conversion. The retention of the steel frame and existing roof covering is not specified on the drawings, although I do not doubt that this could be achieved. However, on the basis of the submitted drawings, I have significant reservations regarding the feasibility of retaining any of the four walls as part of the conversion. In the absence of any requirement on the approved drawings to retain any of these elements, it is likely that economy and practicality would dictate that the building would be stripped back to the portal frame and new walls constructed. Thus, the starting point for conversion would be a similarly skeletal structure to that in the Hibbitt case.
16. Class Q(b) does allow for substantial works, but they must be “*reasonably necessary to convert the building*” (my emphasis). In this case, the submitted drawings allow for a scheme that would, in all likelihood, include the construction of all four exterior walls. This goes well beyond what could reasonably be described as conversion, and would, instead, constitute rebuilding. I therefore conclude that the submitted scheme would not be permitted development under Class Q(b).
17. As I have concluded that the proposal would not be permitted development, the provisions of Paragraph Q.2 relating to prior approval are not relevant. Consequently, there is no need for me to consider the impact of the development on the character and appearance of the area.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR