



Appeal Decision

Site visit made on 11 April 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/P1615/W/23/3325667

Furnace Farm, Furnace Lane, Newent, Gloucestershire GL18 1DD

- 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 T & J Martin against the decision of Forest of Dean District Council.
 - The application Ref is P1643/22/PQ3PA.
 - The development proposed is prior approval for the proposed change of use of agricultural building to 2no. dwellinghouses (Class C3) and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not provide a description of development. I have therefore used the description provided on the Council's decision notice.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

4. The existing structure on the site is a simple agricultural barn, comprising corrugated metal cladding attached to a steel frame with a sheet metal roof. The lower parts of the elevations comprise simple blockwork while the east and west elevations also contain wooden slats.
5. Class Q(a) of 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.
6. GPDO Paragraph Q.1(i) indicates that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or

other services to the extent reasonably necessary for the building to function as a dwellinghouse. Furthermore, Planning Practice Guidance (PPG)¹ states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right.

7. In addition, the PPG specifically refers to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin) (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
8. In this instance, the appellant has provided a structural survey (the survey) which was undertaken by Shire Engineers in December 2021. The survey concludes that the barn is in good structural condition, and that the metal cladding, floor slab and existing frame could be retained as part of a conversion.
9. However, I am of the view that significant work would be required as part of any conversion. Indeed, paragraph 2.5 of the survey notes that a new roofing system would be installed to replace the existing cladding. In addition, it is clear that considerable work would also need to be undertaken to fill the numerous gaps between the wooden slats in the east and west elevations.
10. Therefore, while the barn might be in good condition overall, and I therefore have no reason to dispute the overall findings of the survey, it is clear that work to various parts of the structure would be required as part of the proposed development. I am not convinced that the totality of this work could be considered to be minor in nature.
11. I therefore conclude that the installation of the replacement roof system, in combination with the works required to infill the open elements of the elevations, go beyond building operations that are reasonably necessary for the building to function as a dwelling, and it cannot be concluded that the existing building is already suitable for conversion. Indeed, while the proposed dwelling would retain the general appearance of the existing barn, including the metal cladding, I am satisfied in this instance that, having regard to the Hibbitt case, the proposal would be more akin to a partial rebuild rather than a conversion.
12. I am satisfied that the proposed development falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

Other Matters

13. I acknowledge that the Council granted prior approval for the barn to be converted to two dwellings in June 2023². The appellant has also provided examples of two other schemes that have been granted. However, I do not have the full details of these proposals, including their supporting evidence,

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

² Council reference: P0532/23/PQ3PA

before me. In any event, I have exercised my planning judgement in accordance with the Hibbitt case and have treated this particular proposal on its individual merits.

Conclusion

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

C Butcher

INSPECTOR