



Appeal Decision

Site visit made on 29 May 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 JUNE 2024

Appeal Ref: APP/L3625/W/23/3329097

Littleton Manor, Littleton Lane, Reigate, Surrey RH2 8LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Matthew Tarrant against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 23/00991/PAP3Q.
 - The development proposed is the change of use from an agricultural building to a dwelling (C3 Use class).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Matthew Tarrant against Reigate and Banstead Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The plans show proposals for two buildings – building A and building B. The appeal documents clearly apply to building B and the appellant has confirmed that the proposal relates only to this building. I have determined the appeal on this basis.
4. Since the appeal documents were submitted, Class Q of the GPDO has been amended. I sought the parties' comments on the implications of these changes for the proposal and have taken their responses into account.

Background and Main Issue

5. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building to a dwellinghouse. Clause Q(c) allows for change of use and building operations that are reasonably necessary for the development. Paragraph Q1(j) 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.
6. The main issue in this appeal is whether or not the proposed operations would go beyond the limitations set out in Clause Q(c) and paragraph Q1(j).

Reasons

7. The appeal site comprises an agricultural barn used for hay storage. It is a lightweight modular steel structure with a corrugated metal roof and walls largely comprising solid composite reinforced panels within metal frames. The barn has a large opening at one end with a double door at the other end, both of which have perspex sheeting above. Internally, there are concrete bases on each side, with gravel surfacing between. Two steel frames, each with four uprights bolted into the concrete bases, provide support within the building.
8. 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.
9. The Structural Stability Survey Report (the structural survey), produced by a qualified engineer, concludes that the existing building is structurally stable with no sign of racking or unacceptable levels of distortion. It finds that there is adequate capacity for an external cladding to be applied to the wall panels, sub-divisions provide some areas of support to the roof trusses, and internal partition walls could be designed to provide support to the existing roof frames. Whilst it notes the location of the structure on a solid substrata, it states that the foundation details are not known.
10. The proposed building would have a similar footprint and profile to the existing structure, with thicker walls and different sized window and door openings. I acknowledge the results of the structural survey and note that the appellant's statement refers to retaining most of the building, including the structural frame. However, it is unclear from the plans which parts of the building would be retained or replaced, and whether any foundations or structural changes would be needed to support the thicker walls and accommodate the different openings. In the absence of this information, I cannot be satisfied that the proposal would not go beyond conversion and thereby amount to rebuilding of the structure.
11. There are references to other appeal decisions allowing prior approvals for changes of use from agricultural buildings to dwellings. These include another building at Littleton Manor Farm and sites in Horsham and East Lindsey Districts where Inspectors found that even extensive works would fall within the scope of Class Q². However, in these cases the Inspectors were clear which parts of the existing buildings would be retained so they are not comparable to the appeal proposal.
12. I acknowledge that recent changes to the GPDO allow for protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q1(j).

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

² Appeal Refs: APP/L3625/W/21/3267322, APP/Z3825/W/15/3130771 and APP/D2510/W/22/3300279

However, the proposed development would not protrude beyond the existing structure and the new provision does not change the requirement to meet the limitations set out in Clause Q(c).

13. Consequently, I conclude that it has not been demonstrated that the proposed operations would not go beyond the limitations set out in Clause Q(c) and paragraph Q1(j) and therefore the proposal would not be permitted development under Article 3(1) and Schedule 2, Part 3, Class Q(c) of the GPDO.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

A Wright

INSPECTOR