



Appeal Decision

Site visit made on 3 June 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2024

Appeal Ref: APP/R0660/W/23/3329746

Bunsley Bank Farm, Bunsley Bank, Audlem, Cheshire CW3 0HS

- 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), 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 Richard Simpson, against the decision of Cheshire East Council.
 - The application Ref is 23/2064N.
 - The development proposed is the change of use of barn to provide a 5 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The permitted development right under Article 3(1), Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to enable the conversion, subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
3. The Council considers that the proposal is not permitted development as the building operations would go beyond those which would be reasonably necessary to convert the building and as the external dimensions of the proposed building would extend beyond the external dimensions of the existing building, contrary to Q.1(g).
4. The Council then went on to find that the proposal would fail to provide satisfactory living conditions for future occupiers by virtue of noise from the adjacent buildings and farmyard, and that it would be of an inappropriate design (the prior approval matters).
5. The main issues are therefore a) whether the proposal falls within the terms of the permitted development right under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO, with specific regard to the extent of building operations proposed and the external dimensions; and if so, b) whether prior approval should be granted in respect of whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 of the Schedule to the Use Classes Order, and the design or external appearance of the building.

Reasons

Extent of building operations

6. This appeal concerns a collection of three connected buildings/structures: a masonry building, a smaller lean-to chicken coup attached to the building and an open steel framed barn. The main parties consider that together these elements comprise the appeal building.
7. Paragraph 105 of the Planning Practice Guidance (PPG) states that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits buildings operations which are reasonably necessary to convert the building, which may include the installation or replacement of windows, doors, roofs and exterior walls.
8. However, 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. The PPG also refers to the Hibbitt¹ judgement, in which it was found that where works would be so significant so as to amount to a rebuild or fresh build, this would go beyond what is considered a conversion and as such beyond the provisions of Class Q. Whether or not the proposed works go beyond the scope of conversion and would constitute a fresh build is a matter of planning judgement with reference to the particular circumstances of the case.
10. The main parties agree that the appeal building is structurally sound and sufficiently load bearing for the proposal. I have no reason to find otherwise. I also consider that the proposed partial demolition of the chicken coup is of a very limited amount and thus would be reasonably necessary for the building to function as a dwellinghouse.
11. Nevertheless, as noted, part of the appeal building comprises a steel framed barn. It has a pitched metal sheet roof with a limited section of sheeting extending across the gable ends. Part of its northern elevation consists of the brick wall of the adjacent masonry building, however this does not extend up to the eaves of the barn. The barn is considerably open on its east and south elevations. The lean-to breeze block chicken coup is offset from the western side of the barn thus does not form a side elevation. Furthermore, it is of a very limited height and following its partial demolition it would have a nominal projection along this elevation.
12. By virtue of the above, the majority of the sides of the barn are open. It is a skeletal structure and, save for the retention of a minor element of sheeting on the gable ends, requires predominantly wholesale elevations to enable the building to function as a dwellinghouse, rather than fractional introduction of external walls or areas of replacement cladding. It is not therefore already suitable for conversion to residential use.
13. I acknowledge that the installation of exterior walls is allowed for under Class Q and that the open barn comprises only approximately half of the total built

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

form of the appeal building. Nevertheless, a very substantial extent of external walls would be introduced, and the existing structure of the barn provides only a modest amount of help towards the proposed development. Therefore, the proposal goes well beyond the provisions of Class Q and would be akin to a fresh build rather than a conversion.

14. My attention has been drawn to other approvals under Class Q. In the Stratford-on-Avon example the Inspector found that the appeal building had partially clad external walls or eaves on all sides and was not a skeletal structure. The external cladding was to be retained and refurbished where necessary. The Inspector's decision, along with the plans provided, indicate to me that this example is unlike the Hibbitt case and the appeal building before me, thus it is not directly comparable.
15. For the examples in South Staffordshire, Shropshire and Amber Valley I have only been provided with the Inspector's decisions thus cannot make fully reasoned comparisons. Nonetheless, based on the limited evidence before me, the buildings in each example appear to have elevations covering a substantial portion of the buildings which would either be retained, reclad or repaired in the respective conversions. These examples do not therefore serve to justify the appeal proposal.

External dimensions

16. I note that a small extent of the roof of the open barn element of the building, excluding the guttering, overhangs the steel columns below and that the proposed cladding to the elevations would sit flush with the roof above.
17. However, the appellant also states that the proposed cladding would run on the outside face of the steel stanchions. Q.1(h) of Class Q is clear that development is not permitted where it would result in the external dimensions of the building extending beyond the external dimensions of the existing building *at any given point* (my emphasis).
18. The barn is a skeletal structure with minimal cladding to its elevations. The introduction of cladding on the outside of the steel structure leads me to find that the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at the points where it is affixed to the stanchions. For this reason, the proposed development would extend beyond the building and as such would not fall within the allowances of Class Q.

Conclusion on first main issue

19. I have found that the proposal is not permitted development under Class Q as the building operations would go beyond what is reasonably necessary to convert the building to a dwelling, and as the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. It is not therefore necessary for me to consider the prior approval matters listed at Class Q.2 as this would not alter the outcome of the appeal.

Conclusion

20. For the reasons set out above, and taking all other matters raised into account, I conclude that the proposal would not comply with the permitted development right under Class Q. The appeal should not therefore succeed.

H Ellison

INSPECTOR