



Appeal Decision

Site visit made on 29 May 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/W4325/W/23/3335726

Parcel of Land Off Cottage Lane, Gayton, Wirral CH60 8NY

- 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 appeal is made by Mr Thomas Watson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is AGNX/23/01085.
 - The development proposed is conversion of Barn into Dwelling House as per application drawings which confirms location of building on site and adequacy of natural light provision to each habitable room.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of Barn into Dwelling House as per application drawings which confirms location of building on site and adequacy of natural light provision to each habitable room at Parcel of Land Off Cottage Lane, Gayton, Wirral CH60 8NY in accordance with the application AGNX/23/01085 and the details submitted with it and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos; COTTA/PA/ Existing Layout and Elevations Proposed Floor Plans and Curtilage Plan; COTTA/PA/ Proposed Elevation and Site Layout.

Preliminary Matters

2. On 21 May 2024, SI 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country (General Permitted Development) (England) Order 2015) (as amended) (the GPDO). Article 10 of this SI introduces transitional arrangements so that any development that is permitted under Class Q immediately before 21 May 2024 but is no longer permitted as a result of this Order will continue to be permitted for a further 12 months. In this case the proposal is for a dwellinghouse larger than 150 square metres. Both parties have been consulted on the changes and I have taken their comments into account. I have referred to paragraph and section references from the GPDO prior to these amendments.

3. The postcode did not appear on the Application Form or Decision Notice. I have taken the post code in the banner heading above from the Appeal Form to assist in the identification of the site.

Background and Main Issue

4. Under the GDPO, Class Q (a) allows change from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Order. This is not in dispute. Rather it is in dispute whether the proposal would comply with the provisions under Class Q (b) in relation to building operations other than those permitted under Class Q.1 (i) (i) (aa) or (bb), to the extent they are reasonably necessary for the building to function as a dwellinghouse.
5. The main issue is therefore whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GDPO, having regard to the extent of the building operations necessary for the building to function as a dwellinghouse.

Reasons

6. The appeal building is a detached barn in the centre of an agricultural field, with an access route from a gate on Cottage Lane. The building consists of a concrete frame with brick plinths and sheeting covering two walls and the roof.
7. The existing agricultural building would be retained as part of the proposal, including its overall form and scale. The appellant's structural report, submitted with the appeal, indicates that the existing structural form and the load bearing elements of the building are suitable for conversion. There has been some deterioration of the supporting plinths, however the report indicates that the concrete frame is in generally good condition and that repairs can be made by a specialist concrete contractor.
8. The proposed repair and replacement of the sheeting would fall within the scope of Class Q.1(i)(i)(aa), which allows for the installation or replacement of roofs and exterior walls. Moreover, the building is structurally suitable for conversion and the sheeting would be reasonably necessary to make the building waterproof and suitable for human habitation. Consequently, the external works would neither represent a new building nor rebuilding of the structure. In making this determination I have had regard to the Judgment handed down in Hibbitt¹.
9. Taking this Judgment into account, together with the provisions of the GDPO, I conclude that the proposed building operations meet the requirements of Class Q.1(i)(i) (aa), (bb) to the extent that they are reasonably necessary for the building to function as a dwellinghouse. Therefore, the proposal would satisfy the requirements of Class Q (b) of the GDPO.

Other Matters

10. A number of issues have been raised by the third parties, including the possible presence of asbestos and the access track and curtilage of the proposed conversion. Issues relating to asbestos are commonly dealt with under environmental legislation. Although there is limited curtilage to the proposal, the parking area and widened access track are shown on the plans which are

¹ Hibbitt v. SSCLG [2016] EWHC 2853 (Admin).

considered acceptable by the Council. I have no reason to disagree with their findings on this matter. I note the appeal decision that has been brought to my attention. I do not consider that it is relevant to this case as it related to development in the Green Belt. In any event I have determined the appeal on the site-specific circumstances of the case.

11. The conditions set out in paragraph Q2(1)(a) to (g) relate to details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of natural light in all habitable rooms. The Council has assessed the proposal against the criteria and is satisfied that they are met. Based on the information before me and my observations on site I have no reason to take a different view in respect of these matters. Therefore, the proposal would comply with these other matters considered under Class Q.

Conditions

12. Paragraph Q.2(3) of the GDPO states that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. I have also attached a condition requiring development to be carried out in accordance with the approved plans, in the interests of certainty.

Conclusion

13. For the reasons given above the appeal should be allowed and prior approval should be granted.

H Senior

INSPECTOR