



Appeal Decision

Site visit made on 29 May 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/M1005/W/23/3334661

Land off Monument Lane, Ironville NG16 5PL

- 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 Dylan Roffey against the decision of Amber Valley Borough Council.
 - The application Ref is PDR/2023/0034.
 - The development proposed is a change of use of agricultural barn to dwelling house.
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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) (GPDO) for the change of use of agricultural barn to dwelling house at Land off Monument Lane, Ironville NG16 5PL in accordance with the application PDR/2023/0034, subject to the conditions in paragraph Q.2 of Schedule 2, Part 3, Class Q of the GPDO and the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan drawing ref. 3806-001; Site Plan as Proposed drawing ref. 3806-003; Plans and Elevations as Proposed drawing ref. 3806-005.
 - 2) No development shall take place until a detailed ground gas remediation scheme has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in full prior to the first occupation of the hereby permitted.
 - 3) Prior to the first occupation of the development hereby permitted, details of the type and location of bird boxes shall be submitted to and approved in writing by the local planning authority. Boxes shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and retained and maintained thereafter.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
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Preliminary Matters and Main Issues

3. Since there was no description on the application form, I have taken the one above from the appeal form. In addition, the above legislative provisions were updated on 21 May 2024. However, I am required to determine this appeal in accordance with those that were in force at the time the original application was determined. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
4. Class Q permits the change of use of agricultural buildings to dwellings. Sub part (a) refers to the change of use and (b) the building operations in relation thereto. The application form and plans indicate that approval is sought for both. It is not in dispute that the proposed development satisfies (a), rather that it would not comply with the provisions under (b) in relation to building operations other than those permitted under Q.1 (i) (i) (aa) or (bb), to the extent they are reasonably necessary for the building to function as a dwelling. The Council also contends that the proposed change of use under Class Q fails to satisfy all relevant conditions and limitations set out in Schedule 2, Part 3 of the GPDO. Specifically in regard to whether or not the proposed development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. These form the main issues of the appeal and I shall address them in turn.

Reasons for the Recommendation

5. The appellant's structural report and subsequent letter following the installation of a diagonal bracing to the frame indicates that the structural form and the load bearing elements of the building are suitable for conversion to a dwelling. From my observations on site and based on the evidence before me, I have no reason to disagree with these findings.
6. The barn consists of a timber frame and roof beams, corrugated metal panels on the roof, and timber and corrugated metal cladding to the sides. On the matter of building operations, Planning Practice Guidance (PPG) states that such may include the installation or replacement of doors, roofs and exterior walls. The existing walls and roof of the barn would be retained, with additional walls created on the current open sides that would match the existing barn. Two doors would be provided in the new walls, with windows in the existing walls and two rooflights also installed. The provision of these elements, and the associated building operations, would be reasonably necessary for the building to function as a dwellinghouse as allowed in Class Q.
7. Other operations to convert the appeal building to a dwellinghouse would include thermal upgrading to the walls, new internal walls, and a new or upgraded floor. The PPG also indicates that internal works are generally not development and that, for a building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, which are not prohibited by Class Q.
8. As illustrated on the submitted drawings, the existing external cladding would be retained, despite the leaning of the walls, and the new walls would be built within the existing footprint of the barn. Consequently, I am satisfied that the proposal would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point and thus would satisfy paragraph Q.1(h). In this and the above regards, I do not

see sufficient similarities with *Hibbitt v. SSCLG* [2016] EWHC 2853 (Admin), particularly in relation to the distinction between conversion and rebuild. I am also cognisant of the fact that where one becomes the other is a matter of judgement based on the specifics of the case.

Conditions

9. Paragraph Q.2(3) of the GDPO states that development under Class Q is permitted subject to the condition that it must be completed within a period of three years starting with the prior approval date. I have also set out a condition requiring development to be carried out in accordance with the approved plans, in the interests of certainty. To safeguard the living environment of future occupiers, a condition requiring the submission of and adherence to a ground gas remediation scheme is necessary, and the appellant has provided agreement for this to be a 'pre-commencement' condition. Also, for ecological purposes, a condition is necessary to secure the installation of bird boxes.

Conclusion and Recommendation

10. The proposal would satisfy the requirements and limitations set out in Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO. I therefore recommend that the appeal should be allowed, and prior approval is granted, subject to the standard conditions set out in paragraph Q.2 of Class Q and to the additional conditions specified above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed, and prior approval is granted subject to the standard conditions set out in paragraph Q.2 of Class Q and to the additional conditions set out above.

John Morrison

INSPECTOR