



Appeal Decision

Site visit made on 25 September 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/F2415/W/24/3342012

Home Farm, Land to the South of Gaulby Lane, Stoughton, LEICESTER, LE2 2FL

- 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 Naeem Dhada against the decision of Harborough District Council.
 - The application Ref is 23/01487/PDN.
 - The development proposed is the change of use and associated operational development of the agricultural buildings from an agricultural use to 5 residential dwelling houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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), planning permission is granted for the change of use of agricultural buildings to dwellinghouses, subject to limitations and conditions. Paragraph Q.(a) permits the change of use of the building and land within its curtilage to a use within Class C3 dwelling house and part Q.(b) permits building operations reasonably necessary to convert the building to the use within Class C3. This is subject to the requirements of parts Q1 and Q2

Main Issues

3. The main issue is whether the proposal meets the requirements of Schedule 2, Part 3 Class Q of the GPDO so as to be permitted development, and if so whether prior approval should be granted.
4. The Council confirms that there are no issues with parts (a) to (e) and (g) of part Q2(1).

Reasons

Background

5. The appeal site lies at the southern end of the village of Stoughton and comprises a group of four agricultural buildings now vacant and the site is overgrown with brambles. There is an access to the site off Gaulby Lane. I

noted at the site visit another farm building in the appellant's ownership which he says now benefits from a Prior Approval for conversion to a dwelling as allowed on appeal.

6. I noted that Barns 1, 2 and 3 have a simple form of a steel frame clad in single skin corrugated metal sheeting on three sides and an open front. The columns support lightweight roof trusses supporting a corrugated sheeting roof. The one on barn 1 seemed to be relatively new. Barn 1 had a partial concrete floor but the others had a floor covering of compacted soil. Barn 3 had various brick and block pillars internally and these were not in a good condition and much of the building was covered with vegetation where it was difficult to see its underlying state.
7. In this Class Q scheme the critical question is whether the proposed change of use (Q(a)) is dependant on building operations under Q(c) which are reasonably necessary to convert the building to a dwellinghouse.
8. I have taken account of the guidance in the Planning Practice Guidance¹ (PPG) where it says:

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

Whether building operations exceed what is reasonably necessary

9. In assessing this I have had regard to the Site Suitability Report prepared by Mr N Grace, a Chartered Surveyor. In this he sets out a brief description of the condition of each building and puts forward a general indication of the works that are necessary to convert the building and he indicates that the works will have to meet the present Building Regulations. He suggests that building 3 is not put forward for conversion without further structural examination. Overall Mr Grace's professional opinion is that while significant work would be required it would be possible to convert buildings 1, 2 and 4 to residential dwellings without affecting the structure of the buildings.
10. From the Site Suitability Report and my own observations it is clear that the main metal structures of buildings 1, 2 and 4 are sound, but to convert the buildings into residential use would require extensive other work to create appropriate external walls with sound metal cladding, insulation and weather proofing. I saw that much of the metal cladding on each building was rusty and there were some gaps open to daylight but there are no details provided on the scale and extent of repair or replacement materials. The roofs and eaves on buildings 2 and 4 also appears to need extensive refurbishment or replacement along with the creation of new walls on the main elevation of each building. There are no existing openings for windows on any elevations of the three buildings therefore a residential use is dependent on the new openings being created in the existing cladding or in the new main walls.
11. The PPG indicates that internal works are not generally development but I note that the residential scheme proposed is dependant on extensive works to the

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

interior of the buildings including the construction of main internal and subdivision walls, and in the case of building 1 the scheme shows the erection of a complete new first floor and staircase.

12. Overall, on the evidence before me I find that the existing buildings are not of a form or state which is already suitable for residential conversion. Considering the whole of the building work the subject of this application and the lack of detail of the work that will be needed to comply with the Building Regulations, I find that it has not been demonstrated that these will be likely to lead to the conversion of the buildings as opposed to their substantial rebuilding. The building work proposed would exceed that which is reasonably necessary for the conversion of the buildings.
13. The appellant lists a number of other cases/appeal decisions related to Class Q proposals but it appears to me that these have all been considered on their individual merits and the nature and state of the buildings in question. None are directly comparable to this case which I have considered on a fact and degree basis. Further, although I have not seen details of the appeal decision involved, I can understand that the other barn at the entrance to the site has been considered suitable for conversion as it has complete and sound roof and elevations with a brick ground floor, together with some window openings and barn door openings. On the face of it, it is in a state suitable for residential conversion.

Conclusion

14. I conclude that the proposal does not meet the requirements of Schedule 2, Part 3, Class Q of the GPDO so as to be permitted development, as the existing buildings are not of a form or state which are already suitable for residential conversion and the external works proposed exceed what is reasonably necessary to facilitate a residential use.
15. For the reasons given above I conclude the appeal should be dismissed.

David Murray

INSPECTOR