



Appeal Decision

Site visit made on 23 October 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2024

Appeal Ref: APP/H1840/W/24/3345367

Land off Chapel Lane, Wyre Piddle WR10 2JA

- 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 Steve Peck against the decision of Wychavon District Council.
 - The application Ref is W/23/02024/GPDQ.
 - The development proposed is 'prior approval for the change of use of an agricultural building into two residential dwellings (C3) and associated operational development under Class Q parts (a) and (b) of the GPDO'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarification on the description in the heading above, which is taken from the application form, the proposal is for the creation of two large dwellings. The appeal is determined on that basis.
3. Since the Council's decision, Class Q in Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) has been amended. This is through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 (hereafter referred to as the amendment order). However, insofar as it relates to the matters at hand in this appeal, the conditions and limitations of Class Q are unchanged.
4. The amendment order states at paragraph Q1.(j)(i) that development under Class Q(c) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls, or water, drainage, electricity, gas or other services, and partial demolition, to the extent reasonably necessary for the building to function as a dwellinghouse. Also, under W.(3)(b) of Part 3 of Schedule 2 of the GPDO, an application for prior approval may be refused where insufficient information is provided to establish whether the development would comply with the conditions, limitations or restrictions as specified under Class Q.
5. In that context, the main issue is whether the proposal would comply with the limitations set out in paragraph Q1.(j)(i) of Schedule 2, Part 3, Class Q of the GPDO.

Reasons

6. The Planning Practice Guidance provides further clarification on works permitted under the Class Q permitted development right, including that it is not the intention 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.
7. In determining the appeal, I have had regard to the judgement handed down in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) (the Hibbitt judgement). This addresses the extent to which building operations to facilitate residential use may be considered to amount to conversion. Briefly summarised, it explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. It further clarifies, however, that the extent of works proposed is not in itself determinative but rather a factor in determining whether the works proposed are part of a conversion.
8. The appeal barn is steel framed. One of the long elevations and one short elevation are comprised of blockwork walls with profiled steel sheet cladding above. Other walls are largely comprised of profiled steel sheet cladding. The roof is also profiled steel sheets, supported by purlins. A structural engineer's assessment of the appeal building is provided by BK Consultants (August 2023), and a subsequent update (April 2024) (the SR and SR update, respectively). These indicate that the existing steel structure of the building and the concrete floor are in good condition and suitable for retention. I have no reason to conclude otherwise.
9. However, the SR also highlights a number of deficiencies in the building. This includes buckled cladding rails, buckled and dented cladding, one bay in which the blockwork wall is broken, some missing roof sheeting, and a number of buckled roof purlins. Consequently, although the proposed site plans refer to existing cladding and roofing, the SR recommends that all cladding, cladding rails and roof purlins be broken out and replaced. As such, evidence indicates that the entirety of the wall and roof cladding would be replaced.
10. The installation of walls and roofs is not prohibited by the GPDO. Also, Class W does not specify the submission of loading calculations, or a construction plan, and planning must operate proportionately in terms of the information it requires. Moreover, section 55 of the Town and Country Planning Act 1990 excludes from the definition of development, works of maintenance, improvement or other alteration which affect only the interior, or do not materially affect the external appearance of the building. In addition, the existing building is not directly comparable to that described in the Hibbitt judgment. Nonetheless, the general approach set out in that judgement requires consideration of the nature and extent of the works proposed. This should then be used to determine, as a matter of fact and degree, whether they would fall within the conditions and limitations of the GPDO.
11. In that regard, and noting that part of the existing blockwork wall has collapsed, the SR and SR update do not address the extent to which the

existing blockwork wall along the long elevation is capable of being retained, together with the insertion of several new doorways. Also, no new blockwork is shown on other elevations. However, it is unclear of what the walls on those other elevations will be comprised, aside from replaced steel sheeting and some form of internal insulation. Further, there is no reference as to the existence of foundations and the need or otherwise for new or strengthened ones. Consequently, there is a considerable lack of detail before me on the nature and extent of works necessary. Whether or not that lack of clarity was raised by the Council prior to its decision, the updated SR does not provide any notable additional detail in comparison to the original.

12. Consequently, given the extent of the building to be replaced and without more detail on the scale and nature of the necessary building operations, I am not satisfied that the proposal would amount to conversion rather than rebuilding. Therefore, in the particular circumstances of this case, the proposal would not comply with the limitations set out in paragraph Q1.(j)(i) of Schedule 2, Part 3, Class Q of the GPDO. Accordingly, I cannot find that the proposal would be permitted development.
13. The appellant refers to a Class Q prior approval appeal decision at Oversley Green (Ref APP/J3720/W/17/3179781). In that decision the Inspector is said to have found that the proposal amounted to permitted development, involving installation of an exterior wall on the whole of one elevation along with the replacement of the other three walls and roof. However, that appeal decision is not before me. Consequently, it has not been possible to assess the circumstances of that appeal and whether the nature of the proposal and supporting evidence was sufficiently comparable to the scheme before me. Therefore, it does not alter my reasoning here.

Other Matters

14. The appellant refers to the Government's focus on the need to provide homes, and the Council's lack of a five-year housing land supply. However, Class Q does not apply a test in relation to the need for the proposed dwelling or its contribution to housing land supply. As such, this has little bearing on the determination of the appeal.
15. I note the appellant's concerns in relation to the Council's willingness to engage during the application process. However, that does not alter the conclusions in this decision on the substance of the appeal.
16. As the proposal would not comprise permitted development, it is not necessary to consider compliance with other relevant limitations and conditions of the GPDO, such as in respect of protected species, as it would not alter the outcome of the appeal.

Conclusion

17. For the reasons set out above, the appeal should be dismissed.

Rachel Hall

INSPECTOR