



Appeal Decision

Site visit made on 26 September 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2024

Appeal Ref: APP/X3540/W/23/3336136

Burketts Farm, Bacons Green Road, Westhall, Suffolk IP19 8NS

- 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 Mrs Julia Baker against the decision of East Suffolk Council.
 - The application Ref is DC/23/3054/P3Q.
 - The development proposed is conversion of agricultural building to 2 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the relevant section of the application form, omitting wording that does not relate to an act of development.
3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was updated on 21 May 2024. Due to transitional arrangements, I am required to determine this appeal in accordance with the GPDO as it stood at the time the application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time.

Background and Main Issues

4. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building.
5. Schedule 2, Part 3, Section W of the GPDO outlines the prior approval process, and provides that a local planning authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.
6. The Council refused to grant prior approval for the proposal under Schedule 2, Part 3, Class Q.1(h) of the GPDO, on the basis that it considered the

development would result in the external dimensions of the building extending beyond the external dimensions of the existing building. The Council also considered the proposal would contravene Class Q.1(i), which relates to the extent of building operations reasonably necessary for the building to function as a dwellinghouse.

7. Having regard to the Council's decision notice, the main issues are therefore whether the proposal would be permitted development in terms of the limitations and conditions set out in the GPDO, with regard to:
 - the external dimensions of the building; and
 - the extent of the building operations reasonably necessary for the building to function as a dwellinghouse.

Reasons

External dimensions

8. Schedule 2, Part 3, Class Q.1(h) of the GPDO specifies that development is not permitted by Class Q if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The Council considers the proposal would breach this requirement by adding external cladding to the walls, and a thicker roof to accommodate additional insulation.
9. The application was supported by a structural report (the SR) provided as a letter from a structural engineer based on a visual inspection of the building. An addendum to the SR, submitted with the appeal, responds to the Council's reasons for refusal.
10. While the SR refers to revised drawings, I have not been directed to the referenced drawings. For the avoidance of doubt, I have determined this appeal against the plans listed in the appellant's appeal submission, against which the Council made its decision.
11. The existing building is enclosed on three of its four sides, with the walls primarily constructed from concrete blockwork. The submitted plans show that these walls would be retained, with new timber cladding added externally. Although no detail of the thickness or specification for the cladding is provided, the plans clearly illustrate its installation over the external walls of the building, extending its external dimensions beyond those of the existing building. Consequently, the proposal would not comply with the provisions of Class Q.1(h), as set out above.
12. Turning to the roof, the proposed plans and supporting information outline that the current corrugated galvanised steel roof would be replaced with profiled metal sheeting, with insulation applied to the underside. Other than the installation of rooflights, the proposed drawings show no alteration to the roof's external dimensions or position, and there is no indication that the rooflights would extend beyond the existing roof slope.
13. The Council, based on advice from its Building Control Department, contends that a 165mm insulated roof covering would be required to meet relevant standards, which would result in an increase to the roof height. However, the proposal before me sets out that all insulation necessary for the conversion

would be installed to the underside of the roof, and this is supported by the SR and its addendum.

14. While I acknowledge the Council's concerns, I have not been provided with substantive evidence to contradict the SR and its addendum with regard to insulation. During my visit, I observed a gap between the internal steel roof frame and the underside of the roof, where insulation could potentially be placed without increasing the roof height. Consequently, I am not persuaded that raising the roof height is necessary to achieve adequate insulation. In any event, my assessment is based on the submitted drawings, which confirm the roof height would not increase.
15. For the reasons given above, although I am not convinced that the proposal would increase the building's roof height, I conclude that the installation of external wall cladding would result in the external dimensions of the proposed building extending beyond those of the existing building, thus conflicting with the provisions of Schedule 2, Part 3, Class Q.1(h) of the GPDO.

Extent of building operations

16. Class Q.(b) of the GPDO permits building operations reasonably necessary to convert the building to a dwellinghouse. Class Q.1(i) further specifies that development is not permitted under Class Q.(b) if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls; or water, drainage, electricity, gas or other services; to the extent reasonably necessary for the building to function as a dwellinghouse.
17. The Planning Practice Guidance (the PPG) clarifies that 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.
18. The existing building has a long, narrow form, with walls enclosing three of its four sides. The fourth side, to the east, is open except for metal support posts. The building currently has no floor, with bare earth as the ground surface.
19. The proposal would involve infilling the east side with walls, doors and windows along its full length. Additionally, a new concrete ground floor slab would be installed internally.
20. According to the SR and its addendum, the building is generally in good condition and capable of conversion. Most of the proposed works would be internal, and my observations at my visit gave me no reason to disagree with the conclusions of the SR and its addendum in these terms.
21. I have had regard to the *Hibbitt*¹ judgment, which both main parties have referenced in their evidence. Unlike the building in the Hibbitt case, which was largely open on three sides, the building in this appeal is largely enclosed on three sides. My observations at my visit suggest that the existing structure is in reasonable condition, and the enclosed sections are largely protected from the elements.

¹ Hibbitt v SSCLG [2016] EWHC 2853

22. The proposed enclosure of the east elevation would span approximately 48 metres, which is substantial. However, as the other three elevations are fully enclosed, this addition would merely infill the one remaining open side, making its scale less significant within the overall context of the building. This new wall would not be needed to structurally support the building, and although some remedial work would be required, much of its existing fabric would be retained. Consequently, enclosing the east side would not amount to a rebuilding, as set out in the Hibbitt case, and would be reasonably necessary for the building to function as a dwellinghouse.
23. The PPG advises that internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor or internal walls, which are not prohibited by Class Q. Given that the new concrete floor slab, insulation and frames to support walls and fittings would be installed internally, I do not find these elements of the proposal to constitute development. Accordingly, they would not be prohibited by Class Q.
24. Notwithstanding my conclusions on other issues, I find that the proposed works would be reasonably necessary to carry out the conversion of the building to a dwellinghouse and would not be so extensive as to constitute a rebuilding of the pre-existing structure. In respect of this issue, I therefore conclude that the proposal would accord with the provisions of Schedule 2, Part 3, paragraph Q.1.(i) of the GPDO.

Other Matters

25. The site lies within the Zone of Influence of one or more European Sites comprising the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). A financial contribution has been made in line with the RAMS, which the Council considers would adequately mitigate the additional recreational pressure on the European Sites arising through the proposed development. In the event that I was minded to allow the appeal, Article 3(1) of the GPDO effectively provides a pre-commencement condition requiring the Council to undertake an appropriate assessment to determine whether the scheme could be undertaken as permitted development under the GPDO. However, because I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.

Conclusion

26. I have found that the extent of the proposed building operations would be reasonably necessary for the building to function as a dwellinghouse. However, because the external dimensions of the proposed building would extend beyond those of the existing building, the proposal would fail to comply with the provisions of the GPDO as a whole. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR