



Appeal Decision

Site visit made on 10 October 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/L1765/W/23/3334237

Bushes Barn, Folly Hill Farm, Northington Road, Itchen Stoke.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 T. Egerton against the decision of Winchester City Council.
 - The application Ref is 23/02046/PNACOU.
 - The development proposed is prior approval for the conversion of redundant agricultural barn to dwellinghouse and associated building operations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr T. Egerton against Winchester City Council. This application will be the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

4. The existing structure on the site is a simple agricultural barn, comprising corrugated metal cladding attached to a steel and timber frame with a sheet metal roof. The lower parts of the elevations comprise low level concrete walls which sit upon a concrete floor.
5. Class Q(a) 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
6. GPDO Paragraph Q.1(i) indicates that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function

as a dwellinghouse. Furthermore, Planning Practice Guidance (PPG)¹ states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right.

7. In addition, the PPG specifically refers to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin) (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
8. In this instance, the appellant has provided a structural survey (the survey) which was undertaken by Wedeman Consulting in June 2023. In addition, a Conversion Works Detail Statement (the conversion statement), prepared by Landmark Design in July 2023, has also been provided. The survey concludes that the key structural elements of the barn are in satisfactory condition. Furthermore, the conversion statement sets out that only minor repairs would be required to the concrete walls and floor slab. Based on the evidence before me, and from what I saw on my site visit, I have no reason to disagree with this conclusion. Some works would be required to the structure to facilitate the provision of suitable insulation; however, this would be the case for all proposed barn conversions.
9. Despite this, I am of the view that significant work would still be required as part of any conversion. The approved plans show that two existing lean-to structures would need to be demolished on the southern and eastern sides of the barn, one of which is of a considerable size. The structures currently form an integral part of the barn to create a single large space. Their removal would fundamentally alter the appearance of the barn and would result in the two elevations becoming almost completely open sided above the low-level concrete wall. The west elevation, which forms the entrance to the barn, is already largely open sided.
10. Furthermore, I noted on my visit that much of the existing cladding on the northern elevation is in very poor condition indeed. In particular there are numerous large gaps, and I am not convinced that the cladding that is still there is in good enough condition to be retained as part of a conversion. In effect, significant work would be required to all four sides of the barn in order to create suitable external walls.
11. The roof sheet also has numerous gaps that would need to be addressed, particularly above the open sided entrance to the barn. I am not convinced that the totality of the required work to the walls and roof sheet, in combination with the demolition of the lean-to structures, could be considered to be minor in nature, and it therefore seems to me that the appellant's evidence underplays the scope and significance of this work. In my view, the extent of these works goes beyond building operations that are reasonably necessary for the building to function as a dwelling. Indeed, the finalised dwelling would look very different to the barn as it exists today, and it is therefore not possible to

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

conclude that it is already suitable for conversion to residential use as required by the PPG. Having regard to the Hibbitt case, I am of the view that the proposal would be more akin to a partial rebuild rather than a conversion.

12. I note that the appellant has provided details of a scheme that was previously approved by the Council². However, while there are some similarities to the appeal scheme before me, it appears that no demolition work was proposed as part of that development and so it is not directly comparable. In any event, the Hibbitt case makes it clear that it is reasonable for the individual decision maker to exercise their own planning judgement on such matters.
13. I therefore conclude that the proposed development falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR

² Council ref: 21/03003/PNACOU