



Appeal Decision

Site visit made on 12 November 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/D0840/W/24/3339480

Tremayne Hatchery Farm, Crowan, Camborne, Cornwall TR14 9NB

- 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 GPDO).
- The appeal is made by Adrian Gott (Stonegate Farmers Ltd) against the decision of Cornwall Council.
- The application Ref is PA23/07610.
- The development proposed is change of use of agricultural building to dwellinghouses.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. 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. This is subject to a number of situations where such development is not permitted, listed under Paragraph Q.1. The Council raises no concerns in respect of the proposal complying with criteria Q.1 (a)–(h) and (j)–(m). It considers, however, that the development is not permitted by Class Q, because the proposal contravenes the requirements of paragraph Q.1(i).
3. Therefore, the main issue is whether the building operations involved in the development would be to an extent reasonably necessary for the building to function as dwellinghouses.

Reasons

4. The appeal relates to a substantial two-storey former poultry building that was constructed about 50 years ago. It has a concrete floor, and at ground floor level it is enclosed on three sides by rendered concrete block walls up to first floor level. On the fourth side the wall is only four blocks high, and is punctuated by a set of double access doors. There is steel sheeting above the block walls to roof level on all four sides. The whole building is covered by a pitched roof of profiled metal cladding. Apart from access doors at either end, there are no openings in the walls of the building, so significant work would be required to enable its use for residential purposes.
5. The submitted drawings show the provision of five dwellings within the existing external dimensions of the building. They also show significant alterations, including new internal walls, and the insertion of extensive window

and door openings in all four elevations. The drawings indicate that the internal columns that support the first floor and roof would be retained. They do not, however, carry any further annotations to indicate what other structural elements or external materials of the existing building would be kept, or how they would be incorporated within the development, and there is no Schedule of Works to clarify how the conversion would be carried out.

6. Class Q(b) permits building operations that are reasonably necessary to convert the building to residential use. Paragraph Q.1(i) indicates that such operations can include the installation or replacement of windows, doors, roofs, or exterior walls, water, drainage, electricity, gas, or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out the permitted building operations.
7. The Planning Practice Guidance provides advice on the interpretation of Class Q¹. It clarifies that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations that are reasonably necessary to convert the building, but 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.
8. In coming to my decision, I have also had regard to the Hibbitt case², which held that a building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.
9. The application was accompanied by a Structural Appraisal³ (the Appraisal) compiled by a suitably qualified expert. The Appraisal assesses that the principle structural elements of the building are sound and capable of being incorporated into the conversion without any major replacement. It therefore concludes that the original structure is on the whole suitable for conversion to residential use.
10. The Appraisal does, however, advise that the profiled metal cladding on the roof and upper walls has reached its lifespan, and the application form specifies the installation of new replacement cladding to the walls and roof. Removal of the cladding would result in the upper floor of the building being largely open on all sides. However, the retention of the lower concrete block walling, the internal supporting structure, and the original roof frame would mean that the remaining building would not be so skeletal that the works to provide the dwellings would necessarily amount to a rebuild.
11. The Council has raised concerns about the fragility of the roof frame and the internal structure that supports it. The Appraisal does advise that, in order to maintain the integrity of the roof structure, it is imperative that the removal of the roof and wall cladding is carried out with care. Furthermore, it recommends consideration is given to the employment of temporary support

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

² Hibbitt v SSCLG [2016] EWHC 2853

³ Graham Schofield Associates - Project: 2023.061 Issue No: 1: 13.09.2023

works, and the introduction of additional roof bracing. Whilst this does not alter the earlier conclusion that the roof structure is sound and capable of being incorporated into the conversion without any major replacement, it does demonstrate that there is scope for collapse if not carried out carefully, and in accordance with a method statement. The submitted drawings carry no annotation to specify if, or how, the roof structure would be retained, so, in the event that it did fail during works, it could be rebuilt.

12. The Appraisal also recommends the replacement of selected overstressed deflected double beams which support the roof structure posts. These form part of the support for the roof, so are fundamental to the overall integrity of the structure of the building. The location and extent of the necessary replacements is not identified on the drawings. Whilst the Structural Engineer has clarified that only four would require replacing, the retention of the remainder is not specified on the drawings. Consequently, more extensive replacement could take place if further defects were uncovered during works, or if more wholesale replacement proved more practical and efficient. I cannot be sure, therefore, how much of the original supporting structure would actually be retained in practice.
13. The Appraisal concludes that the lower concrete block walls and buttresses are generally structurally sound, and there is no reason for their wholesale demolition. Nothing I saw at my visit suggested otherwise. However, the drawings do not specify their retention, and numerous new openings would be cut into it. The Appraisal is silent on whether they would retain sufficient structural integrity to support the walls and windows above, which is what appears to be proposed on the submitted drawings. In practice, it may well be more efficient to rebuild afresh. In the absence of any annotation, or work schedule, it is unclear how much, if any, of the lower walls would actually be retained.
14. In summary, I have no reason to question the Appraisal's conclusion that the original structure is on the whole suitable for conversion to residential use. However, the submitted drawings do not specify the retention of much of the supporting structure of the building, its roof, or exterior walls. In the absence of any requirement on the approved drawings to retain any of these elements, economy and practicality could dictate that the original building would be stripped back to a similarly skeletal structure to that in the Hibbitt case.
15. Class Q(b) does allow for substantial works, but they must be "reasonably necessary to convert the building" (my emphasis). In this case, the submitted drawings lack the necessary clarity and detail to persuade me that the development would proceed as a conversion, so the proposal could, instead, constitute rebuilding. I therefore conclude that the submitted scheme would not be permitted development under Class Q(b).

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR