



Appeal Decision

Site visit made on 14 November 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/C3620/W/24/3340028

Bertrams Farm, Partridge Lane, Newdigate, Surrey RH5 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Christopher Birch against the decision of Mole Valley District Council.
 - The application Ref is MO/2024/0019/PNQ.
 - The development proposed is the change of use of 1 No. agricultural building to 1 No. dwelling (Use Class C3).
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal relates to works under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), for the change of use of an existing agricultural building to a dwelling (Use Class C3) with associated works.
3. Whilst the planning application describes the nature of some of the works proposed, I find that the description of development used by the Council on its' decision notice to be more accurate and succinct. I have therefore used this in the above banner heading.
4. The Council's sole reason for refusal is on the basis that the scheme would not fall to be considered as permitted development because, it is argued, that the proposal would consist of building operations that are more than reasonably necessary. The Council's supporting evidence also states that the proposed works would amount to a rebuild rather than a conversion.
5. In light of this, the main issue is whether the proposal would be permitted development having regard to whether or not the scheme would constitute a conversion.

Reasons

6. Class Q allows, in summary, development consisting of a change of use of an agricultural building, or a former agricultural building, together with building operations reasonably necessary to convert the building to a dwelling. It is important to note that to benefit from the permitted development rights under Class Q, the building has to be converted.

7. The Planning Practice Guidance (the Guidance) clarifies, in terms of Class Q permitted development, that the agricultural building must be capable of functioning as a dwelling. It goes on to clarify that the intention of the permitted development is not to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.
8. Both parties, together with the Guidance, refer to the case of *Hibbitt*¹. The case explores, amongst other matters, the distinction between works required for the conversion of an existing building and works amounting to a rebuild. In that case, works including the construction of all four exterior walls were found to go well beyond what could reasonably be described as conversion.
9. In this case, the proposal relates to an existing concrete frame, positioned within the wider Bertrams Farm site. The frame is a skeletal structure, which does not have a floorplate, walls or a roof covering. The structural report identifies the need for a new structure within the existing frame in order to prevent additional loads from being applied to the existing frame. Further works proposed include new strip foundations, a suspended beam and loadbearing walls. The proposal does not include any extensions to the structure, nonetheless, without extensive works the structure is not capable of supporting the load necessary to form a residential dwelling.
10. Based on the above factors, the works required in this case would be so extensive so as to not constitute a conversion. On this basis, the scheme would amount to a rebuild, or a fresh building in the terms of *Hibbitt*. Consequently, the scheme would not meet with the requirement of Class Q that the building be converted, and, therefore, the proposal would not constitute permitted development. It follows that, as the scheme falls at this first hurdle, there is no need to go on and consider the limitations and requirements in section Q1 of Class Q.
11. A previous prior approval² was granted for the conversion of the building. It appears this permission has lapsed and cannot be implemented. From the information before me, the barn at that time was a more comprehensive structure than that which exists now. Notably, the building at that time featured walls and a roof. As such, even if the structural reports then and now are similar, there are material differences in the state of the building and the works required to form a new residential dwelling and I have assessed the current appeal on its own merits.
12. For the above reasons, the proposed works to the existing structure would not constitute a conversion and therefore the scheme would not meet with the requirements of permitted development as set out in Class Q.

¹ *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

² MO/2016/1086PNQ

Conclusion

13. For the reasons given above, the appeal is dismissed.

R Lawrence

INSPECTOR