



Appeal Decision

Site visit made on 3 December 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/Z1510/W/24/3341656

Building North of 12 Grange Hill, Coggeshall, Essex, CO6 1RA

- 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) ('GPDO').
 - The appeal is made by Mr John Clarke against the decision of Braintree District Council.
 - The application Ref is 24/00075/COUPA.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of the GPDO was amended on 21 May 2024. As the application that is the subject of this appeal was made before that date, I have determined this appeal in accordance with Class Q that applied at the time the application was made.

Main Issues

3. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO planning permission is granted for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraphs Q.1 and Q.2 of the GPDO specify limitations and conditions in relation to Class Q.
4. The Council has refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1.(i). This paragraph relates to building operations reasonably necessary for the building to function as a dwellinghouse. It also objects to the location of the agricultural building in relation to nearby listed buildings, the design of the proposed conversion and the adequacy of natural light that would be provided within the dwellinghouse (paragraphs Q.2 (1) (e), (f) and (g)). It has made clear that it would require prior approval in relation to these latter matters which it would refuse.
5. On the basis of the evidence of the Council and appellant, the main issues in this appeal are:

- whether the proposed development would fall within development permitted under Schedule 2, Part 3, Class Q of the GPDO, and would not be excluded by paragraph Q.1; and,
 - if permitted and not excluded under Class Q, whether prior approval is required, firstly, as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses), secondly, as to the design and external appearance of the building, and thirdly, as to the provision of adequate light in all habitable rooms of the dwellinghouse.
6. In its reason for refusal, the local planning authority also stated that insufficient information had been provided with respect to protected species. However, the GPDO, in Article 3(1) or otherwise, does not provide that permitted development is subject to the duties under section 40 of the Natural Environment and Rural Communities Act 2006 and The Conservation of Habitats and Species Regulations 2010 (as amended). As a result, this is not an issue on which the appeal turns.

Reasons

Whether the proposed development would be permitted development

7. The building is a large, lightweight, rectangular, steel framed structure that is enclosed on its four lower sides by low box profile steel sheets with corrugated cement sheets used above. Corrugated cement sheets also cover the roof.
8. It is not a matter in dispute that the appeal building was constructed as an agricultural building and that when it was last in use more than ten years ago it was for agricultural purposes. On the basis of what I saw during the site visit, I agree with that assessment.
9. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than (i) the installation or replacement of windows, doors, roofs, or exterior walls... to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations described.
10. In this case, amongst other works, an internal mezzanine floor would be constructed to create a second storey. Whilst such internal works can be carried out under Class Q, works improving the foundations to a building cannot. It is therefore necessary to establish whether the building is strong enough to support a second storey without its foundations being reinforced. As the submitted condition survey does not answer this question, it has not been demonstrated that the extent of works necessary for the conversion fall within that allowed by Class Q. Consequently, I am unable to conclude that the proposed scheme would comply with paragraph Q.(b) and paragraph Q.1.(i) and constitute permitted development.
11. Accordingly, it is not necessary for me to consider whether prior approval should be granted in relation to the location and siting of the building, its design, appearance and levels of natural light that would be achieved within the proposed dwelling.

Conclusion

12. For the reasons given above, I conclude that it has not been demonstrated that the proposal would constitute permitted development. Accordingly, the appeal should be dismissed.

Ian Radcliffe

Inspector