



Appeal Decision

Site visit made on 2 December 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/C3105/W/24/3349468

Malthouse Farm, North Aston Road, Duns Tew, Oxfordshire OX25 6JG

- 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 Steven John Proctor against the decision of Cherwell District Council.
 - The application Ref is 24/00298/Q56.
 - The development proposed is a change of use of two agricultural buildings to form five dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given in the application form is "Please see cover letter." Therefore, the description of development provided in the banner heading above has been taken from the appellant's application cover letter (dated 1 February 2024). I have used this description in my consideration of the appeal.
3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the application was submitted in February 2024. 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. The Council refused the application in part on the basis that insufficient information had been provided to demonstrate that the conversion of the appeal buildings to dwellings can be carried out without operations above what would be reasonably necessary, not complying with Q.1(i) of the GPDO. As a consequence, the proposal was also refused on the basis that the appeal buildings are not capable of functioning as dwellings.
5. Therefore, the main issue is:
 - whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(i) of the GPDO having regard to whether sufficient

information has been submitted in relation to the building operations required to convert the appeal building to dwellinghouses, and whether the building operations proposed would be reasonably necessary to convert the buildings to dwellinghouses, and if found to be permitted.

6. In addition, the Council refused the proposal due to a failure to demonstrate that it would be an appropriate design and external appearance, not complying with Q.2(1)(f). However, in light of my findings on the main issue, I do not need to make any determination on this prior approval matter.

Reasons

7. The appeal site comprises two agricultural buildings within Malthouse Farm on the edge of Duns Tew village. The larger of the buildings in the north of the site is referred to as Barn Y and the smaller building in the south is known as Barn Z. Both barns are currently used as grain stores. A third building immediately to the rear of Barn Y is used for the storage of agricultural machinery but does not form part of the proposal. The appeal buildings are accessed from North Aston Road via a private concrete access track. Malthouse Farm bungalow is situated to the north of the appeal buildings and there is open countryside to the east and south of the site.
8. The proposal seeks to convert Barn Y into 3 residential dwellings and Barn Z into 2 residential dwellings. Each dwelling would have 2 parking spaces and a private outdoor amenity area.
9. Both Barn Y and Z are of steel framed construction with a concrete floor slab. Barn Y has profiled metal sheet walls and roof while Barn Z has fibre cement sheet walls and roof. Both barns are fully enclosed on all sides and each have large steel sliding doors on the front. The 'Malthouse Farm, Inspection of Agricultural Barns' report prepared by Forward Structural Consultants (dated January 2024) concludes that the structures are in good condition and capable of conversion. I saw some corrosion on part of the west wall of Barn Z during my site visit. However, I have no reason to disagree with the conclusion of the structural report, particularly in light of any insubstantial evidence to the contrary.
10. The report indicates that the existing structures could be utilised and "the conversion should be straightforward." The report suggests that the dividing walls "could be cavity blockwork if necessary. Internal walls could also be blockwork." The report sets out a list of recommendations including cleaning and painting of the steelwork and external encasement of the steel columns to protect them from the elements. However, the report does not set out the proposed building operations, it only assesses the feasibility of conversion and provides recommendations to extend the longevity of the existing structures.
11. The appellant's appeal statement indicates that the existing steel frame, floor, walls, cladding and roof are proposed to be retained in the conversion. However, the building operations required to convert the buildings into dwellings are not identified.
12. The submitted plans indicate the use of the existing openings for new doors and windows and the creation of new openings for windows and doors. While such alterations would be reasonably necessary to convert the building to residential use, and is within the work permitted under Class Q, no detailed

information has been provided regarding the building works necessary to support the proposed fenestration.

13. It is unclear from the submission whether new internal walls would be constructed and, if so, how they would be integrated with the existing structure. The appellant contends that the internal works are not classed as development requiring planning permission in the Planning Practice Guidance. That is not disputed, however, it remains unclear as to the extent of the building works proposed due to the lack of information submitted.
14. Other than painting of the external walls, the extent of the works necessary to the external walls is also unclear. Similarly, the scope of the work required to the existing frame and roof is not clear.
15. Given the limited evidence provided, the scope of the proposed building operations remains uncertain. As a result, it cannot be determined whether these operations would be reasonably necessary.
16. My findings are consistent with Hibbitt¹. Based on the evidence before me, I am not persuaded that the conversion of the appeal buildings to dwellings can be undertaken with building operations that are reasonably necessary. The appellant has pointed to a proposal in Great Bourton which was refused for similar reasons and allowed at appeal². However, the Inspector noted the proposed drawings included detail showing how the structure would be made weather tight and information regarding the new internal structure. Therefore, that scheme is not comparable with the appeal proposal due to the greater detail provided in relation to the building operations.
17. The appellant has also drawn my attention to appeal decisions at South Newington³, Bloxham⁴ and North Newington⁵. However, in South Newington the Inspector noted that the appellant provided information regarding the extent of the works proposed in their statement of case and structural reports. In Bloxham, the Inspector's decision refers to various elements of the proposed works, albeit in limited detail. In North Newington, the Inspector noted that although the appraisal submitted did not go into great detail regarding the entirety of the building operation proposed, further details were confirmed by the appellant in their statement of case. As such, and based on a reading of those appeal decisions, these schemes contained greater detail regarding the proposed building works and are therefore not comparable to the appeal proposal which provides limited information about the proposed works, to the extent that it cannot be established whether they would be reasonably necessary.
18. For the reasons given, I am unable to conclude that the proposal would comply with the limitations of paragraph Q.1(i). As such, the proposal would not constitute permitted development in respect of Class Q.

Conclusion

19. For the reasons given above the appeal should be dismissed.

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

² APP/C3105/W/23/3329034.

³ APP/C3105/W/21/3276772.

⁴ APP/C3105/W/18/3212286.

⁵ APP/C3105/W/21/3276611.

U P Han

INSPECTOR