



Appeal Decision

Site visit made on 07 January 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/P1615/W/24/3353454

Old Rock Farmhouse, Kempley Road, Dymock, Gloucestershire GL18 2BB

- 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 and Mrs Ogden-Metherell against the decision of Forest of Dean District Council.
 - The application Ref is P0498/24/PQ3PA.
 - The development proposed is Change of Use Planning Application for the Conversion of an Existing Agricultural Building to a Residential Dwellinghouse (Use Class C3) and Associated Operational Development Under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement of case contains a Preliminary Ecological Assessment (PEA) which was not part of the original planning application. This does not represent an amendment to the scheme. The Council has had the opportunity to comment on this. On this basis, I do not consider that any party would be unfairly prejudiced. I therefore have had consideration to the submitted PEA in determining this appeal. I shall return to this matter later in the decision.
3. It is clear from the submitted evidence that the proposal falls to be determined under Class Q(b) of Schedule 2, Part 3 of the GPDO. This permits 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) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building to a dwellinghouse.
4. A determination first needs to be made as to whether the proposal constitutes permitted development in accordance with Paragraph Q.1.(a) to (m). The Council contends the development is not permitted development under Paragraph Q.1.h and j on the basis that the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building and the extent of the building operations would go beyond those reasonably necessary for the building to function as a dwellinghouse.
5. In the event development is permitted, Paragraph Q.2 sets out a number of conditions. Condition Q.2.(1) requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the

authority will be required as to a number of prior approval matters set out in sub-sections (a) to (g). The Council refused to grant prior approval for (b) noise impacts of the development. I shall formulate the appeal's main issues accordingly.

Main Issues

6. The main issues in this appeal are:

- Whether the proposal would be permitted development for the purposes of the GPDO having regard to whether the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building and whether the extent of the building operations would go beyond those reasonably necessary for the building to function as a dwellinghouse to comply with Paragraphs Q.1(h) and (j) of the GPDO, and
- If found to be permitted development, whether or not the noise impacts would be acceptable so as to comply with Paragraph Q.2.(1)(b) of the GPDO.

Reasons

External dimensions

7. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building to residential use. The GPDO specifies under Class Q.1(h) that development is not permitted if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point other than protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1. The Council considers the proposal would breach this requirement by adding external cladding to the walls.
8. I have not been provided with substantive evidence that the proposal would result in the external dimensions of the building extending beyond those of the existing building by more than 0.2 metres to accommodate new cladding. Therefore, I find no conflict with the provisions of Schedule 2, Part 3, Class Q.1(h) of the GPDO.

Whether building operations are reasonably necessary

9. The GDPO states that development under Class Q(b) is not permitted if it would consist of building operations other than Q.1(j)(i) the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
10. The Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development right to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
11. Neither the GPDO nor the PPG define the term 'reasonably necessary'. It is established in case law¹, to which my attention has been drawn and to which I have

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

had regard, that if the works go beyond what amounts to a conversion, and represent a rebuild, then the scheme would not comprise permitted development. What represents a conversion or rebuild is not defined and thus is a matter of planning judgement based on fact and degree of an individual case.

12. The building to which the appeal relates comprises 2 joined buildings: a traditional pitched roof dairy barn and a dutch barn. The dairy barn is made up of blockwork with a steel frame and metal cladding and the dutch barn comprises part blockwork walls with a metal roof. The building is enclosed on 4 sides and open on the remaining 3. The existing block work, steel trusses and foundations would remain, and no new structural elements are proposed. The main parties agree that the building is structurally sound and sufficiently load bearing for the proposal. I have no reason to find otherwise. Nonetheless, consideration needs to be given to the total extent of works proposed and whether they amount to a conversion of the building.
13. New blockwork walls would need to be constructed across the 3 existing sizeable open sides and the blockwork on the other elevations would also need to be built considerably up to eaves level. The amount of new blockwork required to provide the external walls to enable this conversion would be substantial. Additionally, the existing roof would need to be completely removed and replaced. The extent of fabric that would be retained and used is limited and, when considering the amount of new build elements that would be required in order to facilitate the conversion, the works proposed would be of such a magnitude that they would go a long way beyond what is 'reasonably necessary' for a conversion and would be tantamount to a rebuild.
14. My attention has been drawn to an appeal decision² in which the Inspector found that the proposed works fell within the scope of works permissible under the GPDO. However, I do not have the full context of this decision including the precise conditions of the relevant agricultural building for conversion or the full extent of works involved. The issues around Class Q are highly fact sensitive, turn on the totality of an often-diverse array of site-specific circumstances, and are subject to individual planning judgement. Therefore, this doesn't alter my findings on this case.

Conclusion on first main issue

15. For the above reasons, whilst the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building, the proposed development would go beyond building operations reasonably necessary to convert the building into a dwellinghouse. As such it would fail to comply with paragraph Q.1(j) of the GPDO and would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order.
16. As the prior notification process is not applicable, no further assessment against Schedule 2, Part 3, Class Q(b) of the GPDO is undertaken and a potential lack of harm in relation to further matters would not alter my conclusion in relation to the main issue.

² APP/N0410/W/22/3297740

Other matters

17. The Council also raised concerns regarding the lack of information regarding the effect of the proposal on protected species. In response to this the appellant has submitted a PEA which states that the appeal building is of negligible suitability for use by protected species. However, as Class Q does not require an assessment of the effect of the proposal on protected species, I have not gone on to consider this matter. Similarly, given the scope of matters for consideration, the benefits associated with the provision of accommodation for the appellants' elderly parents would not alter my findings.

Conclusion

18. For the reasons set out above, I conclude that the proposal would not comply with the permitted development right under Class Q. The appeal should not therefore succeed.

N Robinson

INSPECTOR