



Appeal Decision

Site visit made on 14 January 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/U2750/W/24/3350267

Rigg Farm, Briscoe Ridge Lane, Beckwithshaw, North Yorkshire HG3 1QY

- 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 Mr Kevin Barrett against the decision of North Yorkshire Council.
 - The application Ref is ZC24/01674/PBR.
 - The development proposed is described as the 'existing barn sited to the western side of Rigg Farm to be partly demolished and converted to form 4no residential dwellings. All habitable rooms will have adequate natural light achieved via windows and glazed doors.'
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. The description in the banner heading above is taken from the planning application form as there is no evidence before me that the appellant agreed to that contained on the Council's decision notice.
3. Elevation drawings of the proposed southern elevation of the northernmost building and the northern elevation of the southern building have not been provided. It does not appear that these were before the Council at the time of its decision. However, I am satisfied that there is sufficient detail on the proposed floorplans to understand the development proposed.
4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of (a) 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, and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) above.
5. The Council considers that the proposed operational works would be above and beyond what could be considered to be reasonably necessary to enable the building to function as a dwelling as allowed under Class Q(b). The Council's statement also raises concerns relating to the proposal's effects on highway safety, a matter I will come back to later in my decision.
6. The main issue in this appeal is therefore, whether the proposal would consist of building operations that exceed those reasonably necessary for the building to function as a dwelling under Class Q.1(i).

Reasons

7. The GPDO states at Paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than 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 dwellinghouse. The permitted development rights also include partial demolition to the extent that it is reasonably necessary to carry out such building operations.
8. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. Building operations which are reasonably necessary to convert the building, which may include those that would affect the external appearance of the building and would otherwise require planning permission, would be permitted.
9. Whilst there is a degree of flexibility in the works that can take place, the PPG is clear that it is not the intention of the permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use¹. 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. Neither the GPDO nor the PPG, define the term 'reasonably necessary.' Consequently, this is a matter of planning judgement based on the nature and extent of the proposed building operations in each case.
10. The barn comprises a number of adjoining animal sheds with a timber framed structure under a corrugated sheet roof of various pitches and heights. The front (eastern elevation) contains large open sided sections. Where walls are present, they consist of Yorkshire boarding above concrete walls or metal barriers/fences. I observed that the concrete walls and boarding were in variable conditions. Some appeared secure while others were broken, cracked or bowed. Although some concrete surfacing was apparent internally, bare earth appeared to be the predominant ground cover. Overall, the building has a dilapidated appearance.
11. A Structural Inspection Report (SIR) accompanies the proposal which is based on a visual inspection only². It advises that whilst the southern and central section are plum, the frame to the northernmost section of the barn has moved laterally. This was clear to see during my visit, along with some movement in particular sections of the concrete walls on the eastern, southern and northern elevations. I also observed that some concrete wall sections were free-standing from the structural frame. The bases to the timber columns were exposed in places and the SIR describes those in the southern shed as being shallow founded.
12. It is suggested that the building could be converted to residential accommodation with the retention of the primary frame and without rebuilding. However, the SIR does not explain the required building operations other than in vague terms. The extent of works necessary to the external walls, roof and frame are unclear, including whether structural remediation is required to address the lateral movement in the northern section of the building. The SIR advises that significant work would be required to bring the building to a habitable standard, indicating that the existing building is not already suitable for conversion to residential use.

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

² Topping Engineers Structural Inspection Report dated 17th October 2023.

13. The appellant suggests that no demolition of existing external walls is proposed. However, I note that the SIR advises that the walls are in a poor condition and that the leaning sections would need to be rebuilt regardless of any conversion. This does not give me confidence that only minimal repairs compliant with the provision of Class Q would take place. New windows and doors would also be inserted into the elevations in places where there are not currently openings.
14. It seems to me from the information provided, that the proposed alterations and demolition would result in a significant overhaul and replacement of the existing building fabric to create entirely new building envelopes. Given the hit and miss nature of the Yorkshire Boarding, the existing large openings and the movement in a number of sections of the elevations, significant areas of new walling would be required. This would be exacerbated by the demolition of the central section and the creation of 2 new external elevations which appear from the submitted plans to be largely solid.
15. The existing roof is likely to be asbestos, requiring wholesale replacement. The SIR is clear that the structural frame could only support a roof covering of equal or lesser weight than the existing. It is suggested that composite sheeting incorporating thermal insulation could be used as a replacement. However, in lieu of an intrusive timber survey and structural calculations, I cannot be certain that the replacement of the roof covering would not cause a domino effect resulting in the need for a replacement frame. This would be of particular concern in relation to the southern section of barn, given that the timber posts are shallow founded. Neither can I be sure that works such as foundations would not be necessary.
16. Individually, the works for each of the above components (i.e. new walls, openings, roof and floor slab) may be permissible under the terms of paragraph Q.1(i) of the GPDO. Nevertheless, having regard to established case law, the totality of the works to enable this building to form 2 semi-detached dwellinghouses would be tantamount to a substantial re-build, as opposed to a conversion.
17. Based on the evidence before me, I find that the proposed development would go beyond building operations reasonably necessary to convert the building into dwellinghouses. As such it would fail to comply with paragraph Q.1(i) of the GPDO and would not constitute permitted development under Schedule 2, Part 3, Class Q of the Order.

Other Matters

18. Although not a reason for refusal on the Council's decision notice, the Highway Authority has submitted a statement during the appeal process raising concerns in relation to the highway safety impacts of the development. I have concluded that the proposal is not permitted under Class Q. Therefore, I am not required to consider the suitability of the access further as it would not be determinative.

Conclusion

19. For the reasons given, I conclude that the proposal does not constitute permitted development. Accordingly, the appeal is dismissed.

M Clowes

INSPECTOR