



Appeal Decision

Site visit made on 23 January 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/D1265/W/24/3348354

Sunnymead Farm, Hermitage to Holnest Park Farmhouse, Holnest, Dorset DT9 6HA

- 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 and Mrs Sargent against the decision of Dorset Council.
 - The application Ref is P/PAAC/2024/01195.
 - The development proposed is described as 'Change of use & conversion of agricultural building to 2 No. dwellinghouses (Use Class C3)'
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Change of use & conversion of agricultural building to 2 No. dwellinghouses (Use Class C3) at Sunnymead Farm, Hermitage to Holnest Park Farmhouse, Holnest, Dorset DT9 6HA in accordance with the application reference P/PAAC/2024/01195 and the details submitted with it including drawings A/3285/02 Rev E 'Proposed Floor Plans Elevations' and ED/SS736/Blo02aRev3 'Proposed Block Plan' and subject to the conditions in the attached schedule.

Preliminary Matters

2. In the heading above and in my formal decision, I have used the description of the development from the Council's decision notice and the appellants' appeal form as this more clearly and succinctly describes the proposal than the description on the application form.
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 General Permitted Development Order (the GPDO). Due to the transitional arrangements, I have determined the appeal in accordance with the GPDO provisions that were in force at the time the original application was submitted in March 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
4. Drawing number 3285.03 A titled 'Proposed: Indicative Construction Section' was submitted with the appeal. The plan is indicative and it illustrates how part of the internal works to the walls of the building might be carried out. The Council has had the opportunity to make comments on the plan and I have taken those comments into account in my decision.

Background and Main Issue

5. Class Q.(a) allows change from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order. Class Q.(b) allows building operations which are reasonably necessary to convert the building to such a use.
6. The point at issue between the parties is whether the proposed development satisfies Class Q.(b) in relation to whether it includes building operations other than those permitted under Class Q1.(i) (i) and whether they are reasonably necessary for the building to function as a dwellinghouse.
7. Against this background, I consider the main issue in this appeal to be whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the building operations reasonably necessary for the building to function as a dwellinghouse.

Reasons

8. The appeal building is a steel portal framed building with concrete block and corrugated sheeting walls. It has a cat slide roof comprised of corrugated cement fibre sheeting. The roof and walls are supported by steel columns. There are two existing doors in the blockwork on the north western side of the building adjacent to a substantial opening in that wall. Two solid panel gates are located in the south eastern elevation. At the time of my site visit, the cladding above one of the gates had been damaged leaving a gap in the wall above the gate. The internal floor of the building is formed largely of concrete.
9. The building lies adjacent to a smaller, blockwork building on its north eastern side which the evidence indicates has existing approval to convert into a dwelling under Class Q. A covered courtyard separates the two buildings from two barns to the north west.
10. The proposal is to subdivide the building into two, two-storey dwellings of 128 sqm and 124 sqm, respectively. The proposed floor plans and elevations are annotated to indicate that whilst none of the existing roof covering would be kept, 85% of the existing roof structure and 96% of the existing blockwork walls would be retained. It is proposed to render the existing blockwork and reuse the existing cladding as 'external weathering' but with two new openings at ground floor level and four new openings at first floor level in the south western elevation to create windows. A new zinc sheet roof covering would be installed with zinc fascia and gutters. Enlarged openings would be created on the south eastern elevation with a section of new cladding installed. A further section of new cladding is proposed to enclose part of the existing opening on the north western side, with the remainder of the opening to be glazed. Internal partition walls would be installed to create rooms at ground and first floor level.
11. The Council suggests that it would not be possible to retain the cladding on the basis of the sheets being small, of poor quality and not fully attached. However, the appellants' structural report indicates that the cladding is water tight and generally in reasonable order although there is some 'minor oxidation' of the surface finish to some of the sheets. It acknowledges that some of the sheets would need to have their fixings secured.

12. GPDO paragraph Q.1(i) allows for the installation of windows, doors, roofs or exterior walls to the extent it is reasonably necessary for the building to function as a dwellinghouse. From the evidence before me, the existing exterior walls would be largely retained but even if they were not, their replacement would be permissible under paragraph Q.1(i) (i) (aa). Similarly, the Planning Practice Guidance makes clear that internal works are not generally development and that for a building to function as a dwelling it may be appropriate to undertake internal structural works. The internal cladding of the walls of the building shown on the indicative plan would be an example of such works.
13. The Council has referred to the *Hibbit*¹ judgement suggesting that the proposed operational development exceeds what would be reasonably necessary to convert the building. Whilst the appellants' structural report contains caveats and some general observations, it states that all the existing structural elements can be retained and reused subject to some internal enhancement. The retention of the existing blockwork walls as shown on the plans; the use of the structural frame, albeit with some bracing, and the use of the existing slab when taken together demonstrate that the proposed works would amount to the conversion of the building rather than it being substantially rebuilt. Whilst some of the cladding shows signs of rust and some sheets would need to be refixed, I have seen no convincing evidence that they could not be re-used as proposed on the plans and in the structural report.
14. Reference has been made by the appellants to other appeals which have been allowed in Cheshire² and Mid Devon³. Whilst those decisions appear to have reached similar conclusions to me regarding the application of Class Q and the *Hibbit* judgement, I have not seen those sites and am not familiar with the structural details of those buildings or the conversion works that were proposed. I have determined this appeal on its individual merits. On the evidence before me, I am satisfied that the proposed works would be reasonably necessary for the building to function as a dwellinghouse.
15. Paragraph Q.2 (1) of the GPDO requires that various other matters are considered in the determination as to whether prior approval is required. The site has access to the highway network and, subject to a planning condition securing appropriate visibility splays, raises no adverse transport and highway impacts. The building is sited close to other farm buildings which the evidence indicates are to be used for storage of inert material only. Subject to an appropriate condition, noise impacts from livestock would therefore be avoided.
16. The building was last used as a dairy and an adjacent slurry bed is proposed to be filled in. An appropriate planning condition could be imposed to manage any contamination risks arising from this. I have seen no evidence of flooding risks on the site or that, subject to conditions, its location makes the building otherwise impractical or undesirable for conversion to use as dwellinghouses.
17. The Council concluded that the form of the existing building would be retained and together with the use of some of the existing openings for doors and windows, the design and external appearance of the proposed development would be acceptable. It also accepted that as all the habitable rooms have external windows,

¹ *Hibbit v. SSCLG(1) and Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin)

² APP/A0665/W/23/3327457

³ APP/Y1138/W/22/3299860

they would receive adequate natural light. I have seen no evidence to arrive at a different conclusion on these points.

18. I therefore conclude that the proposal would be permitted development under Class Q.

Conditions

19. The Council has provided a list of suggested conditions. Its Officer Report also referred to other conditions being necessary.
20. Of the suggested conditions, a time limit condition is not necessary. This is because any planning permission granted for the development under Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. I have listed the submitted plans in my formal decision. As paragraph W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted, the Council's suggested plans condition is unnecessary.
21. Paragraph W(13) of the GPDO allows prior approval to be granted subject to conditions reasonably related to the subject matter of the prior approval. As suggested by the Council, I have imposed conditions relating to the surfacing of the access and the provision of visibility splays. These are reasonable and necessary in the interests of highway safety. I have amended the Council's suggested wording to make the conditions more precise.
22. The Council has suggested a condition to restrict permitted development rights to extend the proposed dwellings in the future. The National Planning Policy Framework makes clear that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council's reason for the suggested condition is to 'protect the amenity and character of the area.' This justification is not sufficiently clear as to the harm it seeks to prevent and therefore does not pass the tests of reasonableness or necessity. I have therefore not included it.
23. Of the other possible conditions referenced in the Officer Report, a condition to restrict the use of the nearby barn to the north west of the building is necessary to safeguard the living conditions of the future occupiers of the proposed dwellings from potential noise from livestock as indicated on the proposed block plan. Similarly, a condition to secure the removal of the adjacent barn in accordance with the proposed plan is also reasonable to ensure that the location of the building is not undesirable for residential use. A condition is also reasonable and necessary to ensure that any contamination issues arising from the agricultural use of the building and the filling in of the slurry bed is addressed.

Conclusion

24. For the reasons given above the appeal should be allowed and prior approval should be granted.

R Kent

INSPECTOR

Conditions

1. No dwelling hereby approved shall be occupied until the vehicular access to the site from the highway has been constructed and surfaced in accordance with plans and details to be submitted to and approved in writing by the local planning authority. The approved surfacing of the access shall be retained thereafter.
2. No dwelling hereby approved shall be occupied until the visibility splays shown on plan ED/SS736/Blo02aRev3 have been provided. The splay areas must thereafter be maintained and kept free from all obstructions exceeding 0.6m in height.
3. No dwelling hereby approved shall be occupied until an assessment of the risks posed by any contamination arising from the agricultural use of the building or from the slurry bed shown on plan ED/SS736/Blo02aRev3, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the contamination to render the site suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the slurry bed and appeal building have been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.
4. The existing barns shown on plan ED/SS736/Blo02aRev3 to be restricted to storage of inert material shall only be used for the storage of inert material and shall not be used for the accommodation of livestock.
5. No dwelling hereby approved shall be occupied until the existing barn shown to be demolished on plan ED/SS736/Blo02aRev3 has been demolished to ground level and all materials resulting from the demolition have been removed from the site.