



Appeal Decision

Site visit made on 5 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/Y3940/W/24/3352918

Barn at Foxley Corner, Lydeaway, Devizes SN10 3PY

- 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 Duncan Forster against the decision of Wiltshire Council.
 - The application Ref is PL/2024/06119.
 - The development proposed is conversion of existing barn to one self-build dwelling and associated infrastructure, including parking.
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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 the conversion of existing barn to one self-build dwelling and associated infrastructure, including parking at Barn at Foxley Corner, Lydeaway, Devizes SN10 3PY in accordance with the application PL/2024/06119 and the details submitted with it including plan nos 285 01 revision A; 285 03 revision C; and 285 05 revision C and subject to the following conditions:
 - 1) No exterior walls or roof shall be installed on the development hereby permitted until details of the materials to be used in those walls or roof have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 2) The dwelling hereby approved shall not be occupied until the turning area and parking spaces have been provided in accordance with the details shown on the approved plan. At least one of the parking spaces shall be provided with an electric vehicle charging facility. The turning area, parking spaces and electric vehicle charging facility shall thereafter be retained and kept available at all times for those purposes.
 - 3) The dwelling hereby approved shall not be occupied until a bin collection point set back at least 2.5m from the carriageway edge has been provided in accordance with plans to be submitted to and approved in writing by the local planning authority. The approved collection point shall thereafter be kept available for the collection of bins.

Preliminary Matters

2. A structural report was submitted with the appeal. As a consequence, the Council no longer pursues the part of the reason for refusal relating to building operations

going beyond those reasonably necessary to convert the building. I have determined the appeal on this basis.

3. Amended plans 285 01 revision A; 285 03 revision C; and 285 05 revision C were submitted by the appellant in response to the Council's Statement of Case. The plans confirm that the depth of the proposed extension would be 4m rather than 4.2m. The Council has commented on the amendments. As such, and given the minor nature of the change, I am satisfied that no prejudice would result if I take these amended plans into account. I have determined the appeal accordingly.

Background and Main Issue

4. Class Q.(a) of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) allows change from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order. Paragraph Q.(c) permits building operations which are reasonably necessary to convert the building to such use.
5. Paragraphs Q.(b) and (c) allow the extension of the building to be converted subject to the restriction in paragraph Q1.(i) (iii) which does not permit an extension beyond the rear wall of the existing building by more than 4m. The appellant's amended plan clarifies that the extension would not exceed 4m and the Council has accepted that it now complies with paragraph Q1.(i) (iii). I see no reason to disagree and so do not need to consider this matter further.
6. The other point at issue between the Council and the appellant regarding whether the proposed building operations exceed what is permitted by GPDO paragraphs Q.(c) and Q1.(j) is no longer pursued by the Council because of the findings of the structural report. Nevertheless, representations from a third party questioned whether the existing building is structurally sound to convert to a dwelling.
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 existing building is a timber framed, single storey pitched roof structure with lean-to mono-pitch roof elements on either side. It is clad mainly of corrugated metal sheeting and has windows in the gables at either end. It has a door in the southern elevation. The floor in the main part of the building is formed of concrete. There is an area of hardstanding adjacent to the rear of the building on its northern side.
9. The proposed works involve the demolition of the mono-pitch side elements. The windows in the gable ends would be removed and new windows and doors created in the side elevations.
10. The appellant's structural report concludes that the timber framed structure can be converted to a single storey dwelling with minimum alterations to the existing structure. It recommends that the existing roof sheeting is replaced and that external walls should be constructed with structural timber insulated panels. The existing concrete ground bearing slab is described as adequate. The report

recommends it should be levelled and provided with damp proofing and a radon barrier.

11. Paragraph Q1.(j) of the GPDO permits the installation or replacement of the windows, doors, roof and exterior walls to the extent it is reasonably necessary for the building to function as a dwellinghouse. The structural report has been reviewed by the Council and does not raise any significant concerns in this regard. I see no reason to come to a different conclusion and I am satisfied that those building operations would fall within sub-paragraph (j).
12. The proposed extension would be single storey and sited to the rear of the building. As a result of the amended plans, the Council and the appellant have confirmed that it would not extend beyond the rear wall of the existing building by more than 4m. It would be sited on the existing hardstanding and I have seen no evidence that it would conflict with paragraph Q1.(i) (vii) regarding the age of the hard surface.
13. The Planning Practice Guidance (PPG) indicates that internal works are not generally development and envisages that works such as the creation of internal walls may be required. These are not prohibited by Class Q. Likewise the installation of services including water, drainage, electricity and gas, to the extent reasonably necessary for the building to function as a dwelling, are permitted. The proposed internal alterations and the provision of services would therefore be permitted by Class Q.
14. Whilst the Council's evidence refers to the *Hibbit*¹ case, from the evidence before me I am satisfied for the reasons given in the structural report that the proposed development would not result in the building being a 'fresh build' or being rebuilt.
15. For the reasons given above, 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.

Other matters

16. 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 and on site parking is proposed. I have little reason to believe that the proposal would have any adverse transport and highway impacts. The building is sited away from other buildings and the road and whilst there is a dog walking field adjacent to the site, the evidence does not suggest that the proposal would cause, or be impacted, by noise.
17. Urchfont Parish Council refers to the site being outside of the area where the Urchfont, Wedhampton and Lydeaway Neighbourhood Plan envisages development. However, the PPG makes clear that the permitted development right in Class Q does not apply a test in relation to the sustainability of location. The site is well related to the road network. The distance from it to other dwellings, together with intervening trees and vegetation, would be sufficient not to cause harm to the living conditions of future occupiers of the proposed dwelling or occupiers of other existing properties. As a consequence, its location does not make it impractical or undesirable for the building to change use to a dwelling.

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

18. I have seen no evidence of contamination or flooding risks on the site. Subject to a planning condition requiring approval of the external materials of the building, the design and external appearance of the building would retain its current scale and form albeit with a reduced footprint. All the habitable rooms have external windows and therefore would receive adequate natural light.
19. For the reasons given, I conclude that the proposal would be permitted development under GPDO Class Q.

Conditions

20. The Council has provided a list of suggested conditions. Conditions imposed by the GPDO, such as that in paragraph Q2.(4) requiring that development must be completed within 3 years starting with the prior approval date, do not need to be repeated. The suggested condition making reference to them is therefore unnecessary.
21. Regarding the suggested highways conditions, I have no reason to doubt that the access has already been constructed in accordance with the previous planning permission. A condition requiring that access is provided in accordance with that permission is therefore unnecessary. As that permission has been implemented, it is also unnecessary to repeat conditions attached to it.
22. A condition requiring the provision of the proposed car parking is reasonable. The requirement to provide electric vehicle charging facilities for at least one car is consistent with the National Planning Policy Framework's objective to secure sustainable development and is reasonable to mitigate transport impacts. It is also reasonable and necessary to provide a location for bin collection to facilitate the transport of waste and recycling. I have however adjusted the wording of those suggested conditions to make them more precise.

Conclusion

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

R Kent

INSPECTOR