



Appeal Decision

Site visit made on 20 February 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/Y2620/W/24/3349139

Barn to the Rear of Abbott Farm Barn, Walsingham Road, Norfolk NR21 0AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Jonathan and Tina Sneath against the decision of North Norfolk District Council.
 - The application Ref PU/24/0753.
 - The proposed development is described as change of use of agricultural building to dwellinghouse and building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council's decision notice confirms that its prior approval was refused because it considers the existing building does not benefit from the permitted development rights conveyed by Class Q of the General Permitted Development Order (GPDO). This is because, in the Council's view, the extent of works that would be required for the building to be a dwelling would not amount to a conversion. As such, the main issue in this appeal is whether the building in question benefits from the relevant permitted development rights, with particular reference to whether the proposed works would amount to a conversion or rebuilding.

Reasons

3. Class Q of the GDPO permits extensive building works to facilitate a change of use of an agricultural building to a dwelling, such as the installation of windows, doors, roofs or exterior walls. The Planning Practice Guide (PPG - Paragraph: 105 Reference ID: 13-105-20180615) provides further guidance on this and states that the right imparted by Class Q assumes that the agricultural building is capable of functioning as a dwelling, and it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right conveyed by Class Q.
4. Further guidance is also provided (through the PPG) in the case of 'Hibbit', which outlines certain principles. The judgment explains that a structure does not benefit from Class Q permitted development rights if the works required for it to function as a dwelling go beyond a conversion and amount to a rebuild. Rebuilding in this context is not limited to the erection of a new building. Instead, works of rebuilding are those that go beyond what might reasonably be considered a conversion. The

judgment indicates that this should be construed conservatively and narrowly, and that Class Q is in place to facilitate the conversion of 'clear-cut cases'.

5. In effect, if the use of the building as a dwelling would require complete or substantial rebuilding then the development cannot amount to a conversion and cannot benefit from the rights conveyed by Class Q(c). Thus, the permitted development right in Class Q of the GPDO has an inherent up front limitation which must be surmounted as a gateway i.e. the proposal must be a conversion.
6. The appeal building is a modern detached single storey agricultural structure. It encompasses a steel portal frame braced at roof level. Light weight purlins support the external cladding, which is fibre cement sheeting to the roof and slim corrugated sheets to the walls. Most of the corrugated sheeting is in reasonable condition, although parts are bent and gapping. The corrugated sheets terminate noticeably above ground level and the sliding door at one end appears to have fallen off. As such, the building is not entirely wind and watertight. The steel columns are supported on individual pad footings as there is no internal floor slab. Indeed, the internal floor appeared to be a mix of compacted earth with some stone chippings. The barn is open plan internally. Considering the forgoing, the building is rather rudimentary and insubstantial in its construction and appearance.
7. A structural report was submitted with the application pursuant to Paragraph W(9)(c) of the GPDO. Although completed by a structural engineer, it lacks detail, such as an outline schedule of works. It explains that the building and its foundations are currently performing as designed for the current agricultural use and it is not *expected* that any other strengthening works would be required to facilitate the scheme. Nevertheless, the report does not *demonstrate* with evidence that the building and foundations would be adequate for a residential use because it appears to be a superficial assessment. Thus, it is unclear on what basis a conclusion was reached that the building is sufficiently strong to facilitate a residential use, including the requirements of the Building Regulations.
8. The report also states that there would be a degree of additional load applied to the steel frame as part of the proposal and it is *considered* that the frame has sufficient capacity to support these nominal additional loads. However, the Council highlight that the structural report does not explain what the additional load would be and why it would be 'nominal'. Considering something to be so is not the same as demonstrating it. I therefore share the Council's view that the structural report has not adequately demonstrated and supported the conclusions reached. This is especially important in this instance given the simple construction of the building.
9. It is also unclear what walling would be constructed behind the corrugated sheeting if it is retained. Although not load bearing, the walling behind the sheeting would be part of the exterior of the building. This is because the cladding alone could not be relied upon to keep the building wind and watertight and provide adequate thermal insulation. Indeed, a brick plinth wall would need to be constructed around the entire base of the building to do so. This would not be an interior wall, and there is no existing foundation that the walling could be constructed upon. Installing exterior walls are permitted under Q1(j) of the GPDO, but only in the context of a conversion. The alterations to the exterior walls would, in this instance, be a very significant modification.

10. In addition, a new load bearing re-enforced concrete floor would be required. This would go beyond an act of maintenance but may be an 'other alteration' pursuant to section 55(2)(a) of the Town and Country Planning act 1990. The floor would need to be load bearing to take the first floor and internal walls. This would be another significant intervention that is required to facilitate the proposal. These works would be internal, and therefore may not be development requiring planning permission in isolation. The PPG also indicates that internal structural works can be permissible within the ambit of Class Q when a conversion is proposed. However, I share the view of the Council that such works are also of relevance when considering, on a fact and degree basis, whether the scheme in its totality would amount to a conversion or a rebuilding.
11. The appellant states that the external cladding would remain. However, in the absence of evidence to the contrary I share the Council's scepticism on this point. The structural report does not discuss the cladding on the roof and walls in any detail or confirm how and why it would be possible to retain it as part of a residential conversion. As indicated above, the condition of the cladding is variable. The implication being that only the skeletal form of the building would remain if the cladding were stripped. It is therefore material that technical confirmation has not been given that the existing cladding and roofing can remain.
12. The Officer's report summarises matters succinctly by highlighting that the proposal would require a new load bearing floor to support internal walls and the first floor, that external walls would need to be built, and the external cladding probably replaced. In addition, the structural report does not *confirm* that structural works would not be required to the building to support a residential use or that the existing building can take the load of the conversion. In combination, these factors indicate that this is not a clear-cut case of a conversion. Instead, the evidence before me is suggestive of a substantial rebuilding as only the skeletal frame may remain of the original building, and this may need strengthening. The Council has not advanced its own view from a structural engineer, but for the reasons already given, the structural report submitted by the appellant is brief and unconvincing.
13. Extensive works can fall within the scope of Class Q. However, in this instance, and as a matter of judgment based on the evidence before me, I find that the proposed works would likely be so extensive as to amount to a rebuilding of the pre-existing structure. The works would go beyond what could reasonably be described as a conversion. I therefore conclude that the proposal would not fall within the scope of Class Q of the GPDO. Consequently, the proposal is development for which planning permission is required. An application for planning permission would be a matter for the Local Planning Authority in the first instance.

Conclusion

14. For the reasons given above, and having regard to all matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR