

# APPEAL 1: 28 FEB 20

Agricultural Building at Stanton Farm,  
Browns Lane, Stanton-On-The Wolds,  
Nottinghamshire NG12 5BL

Rushcliffe Borough Council

Conversion of portal framed building for 2  
dwelling houses with private gardens

Appeal Ref: APP/P3040/W/19/3241917

Paul Singleton BSc MA MRTPI





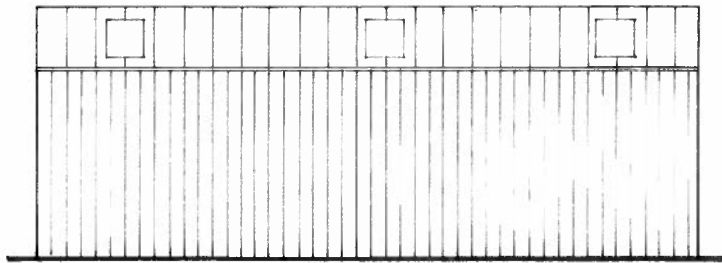
**Internal view showing gable frame**



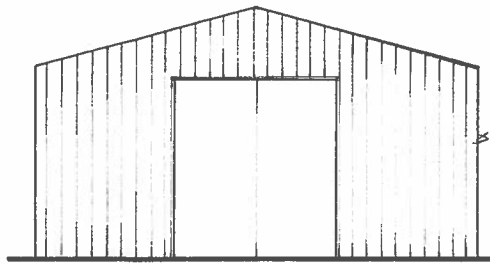
**View on rafter, column, bracing and eaves beam connection.**



**View on portal frame apex connection.**



EXISTING WEST ELEVATION



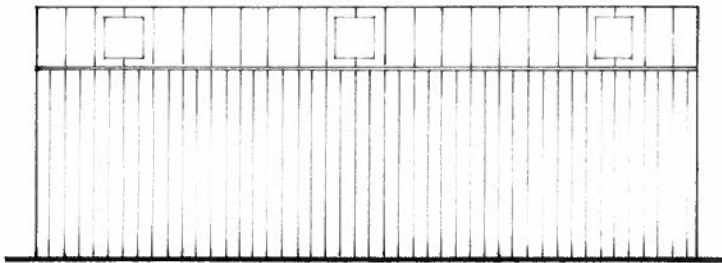
EXISTING NORTH ELEVATION

PROPOSED JUBILEE CENTRE  
- STEEL SKIN CLADDING

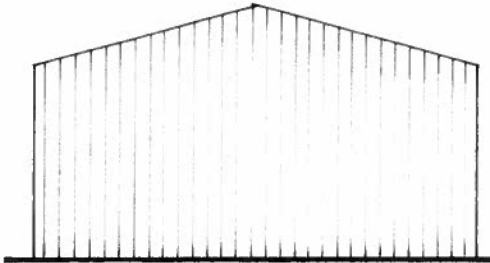
RUSHCLIFFE BOROUGH COUNCIL  
PLANNING AND GROWTH

15 JUL 2019

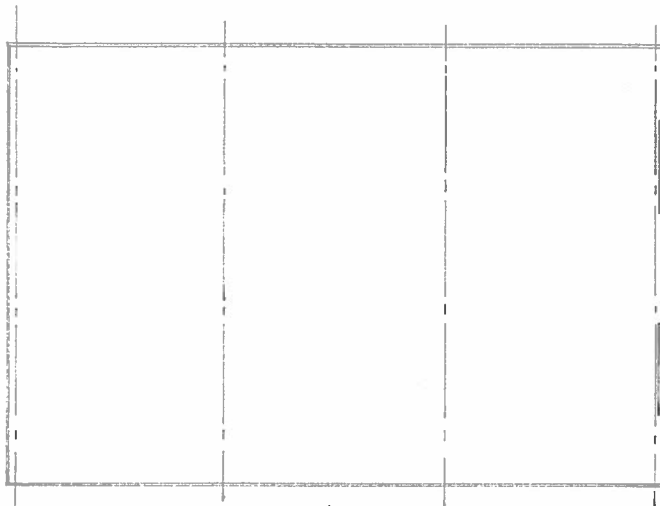
PROPOSAL APPROVED



EXISTING EAST ELEVATION



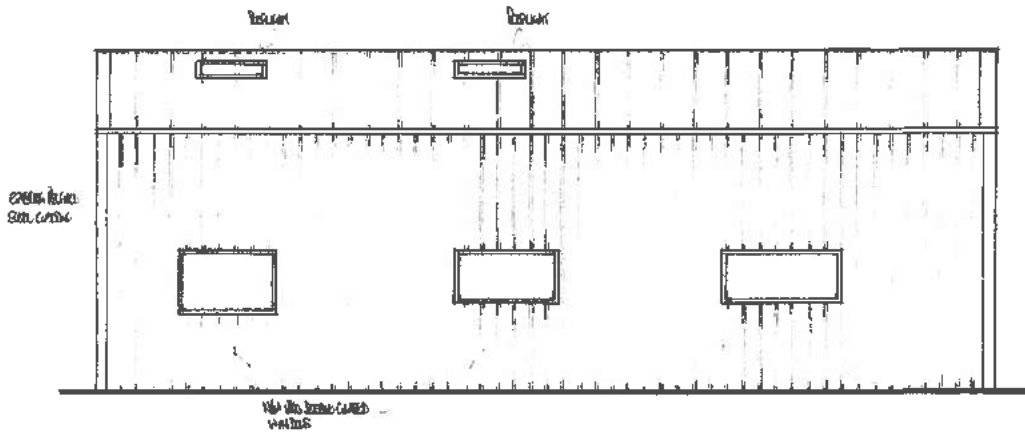
EXISTING SOUTH ELEVATION



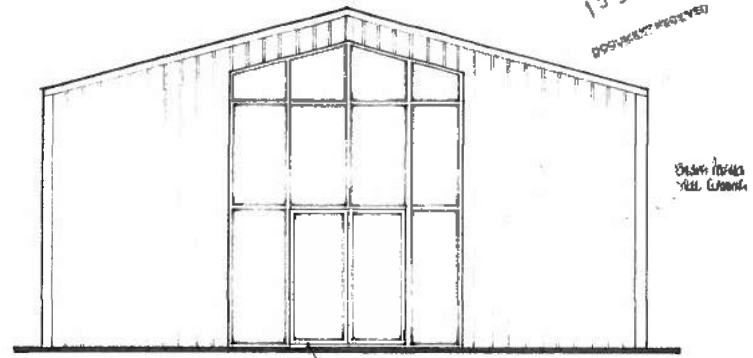
EXISTING PLAN

CLIENT:		A.J. MCLAREN & SON	
ADDRESS:		STAMFORD FARM BROOKS LANE, BOWTON-ON-THE-WOODS, KEMBLE, NORTHAMPTONSHIRE, NN12 5LN	
PROJECT:		PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO 2 DWELLINGS (APPT Q) EXISTING PLANS & ELEVATIONS	
DRAWN:	APD	DATE:	JUNE 2019
SCALE:	1:100 @ A3	DRAWN:	SF/CA

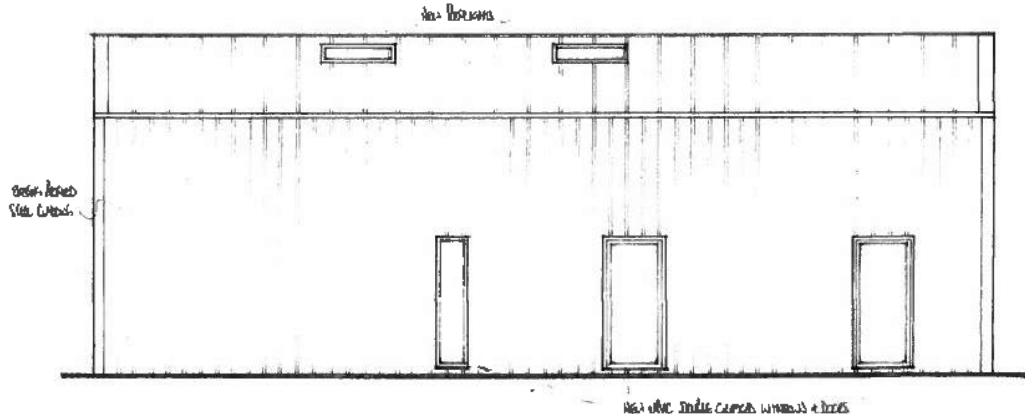
RUSHCLIFFE BOROUGH COUNCIL  
 PLANNING AND GROWTH  
 15 JUL 2013  
 009/2012/000000



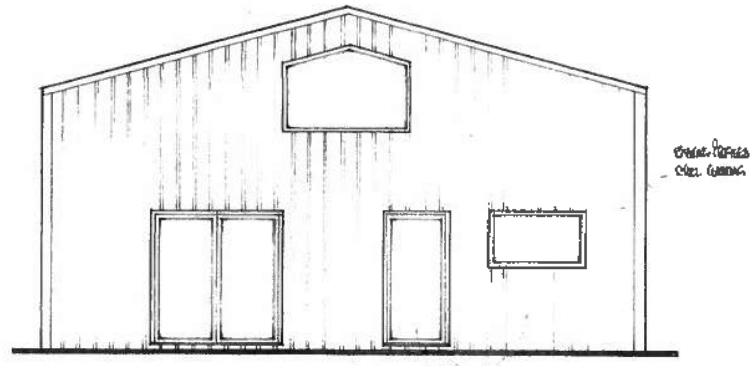
PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION

Client:	AD. WILSON & SON	
Address:	STATION FARM STATION LANE, STATION ON THE WOODS, RUSHCLIFFE, WILTSHIRE, WILTS, ENGL	
Notes:	PROPOSED CHANGE OF USE TO RESIDENTIAL AND TO 2 DWELLINGS (1/2/16) NEEDS EXAMINATIONS	
Scale:	A3	DATE: June 2013
Scale:	1:500 A2	DATE: 15/07/13



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## Appeal Decision

Site visit made on 18 February 2020

**by Paul Singleton BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 February 2020**

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**Appeal Ref: APP/P3040/W/19/3241917**

**Agricultural Building at Stanton Farm, Browns Lane, Stanton-On-The Wolds, Nottinghamshire NG12 5BL**

- 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 AD McClaren and Son against the decision of Rushcliffe Borough Council.
  - The application Ref 19/01698/PAQ, dated 12 July 2019, was refused by notice dated 10 September 2019.
  - The development proposed is conversion of portal framed building for 2 dwelling houses with private gardens.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q (b) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended) for the conversion of portal framed building for 2 dwellinghouses with private gardens at Agricultural Building at Stanton Farm, Browns Lane, Stanton-On-The Wolds, Nottinghamshire NG12 5BL in accordance with the details submitted with the application and subject to the following conditions:
  - 1) The development shall begin not later than three years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved drawings: Site Location Plan and Drawing Numbers SF04, SF05 and SF06 all dated June 2019.
  - 3) No part of the building shall be occupied as a dwelling until a scheme of improvements to the site access has been completed in accordance with details which have been submitted to and approved in writing by the local planning authority. The scheme shall include full details of proposals for the removal or relocation of the site access gates at least 5.5m from the highway boundary; the cutting back of the boundary hedging to improve visibility at the access junction; the resurfacing of the internal access road for a distance of at least 5.5m from the highway boundary; and the provision of means of drainage to the access to prevent the unregulated discharge of surface water from the access onto the highway. The approved improvement works shall, thereafter, be retained and maintained for the life of the proposed development.



### **Application for costs**

2. An application for costs was made by AD McClaren and Son against the Council. This is the subject of a separate Decision.

### **Procedural Matters**

3. I have adopted the description of development as set out in the Council's Decision Notice as this provides a more accurate description of the appeal proposal. The application proposes both a change of use and building operations to convert the building into 2 dwellinghouses under Class Q(b).

### **Main Issues**

4. The main issues are:
  - a) Whether the proposed development complies with the conditions, limitations and restrictions applicable to development permitted under Schedule 2, Part 3, Class Q of the GPDO;
  - b) Whether prior approval is required as to the matters set out in paragraphs Q.2(1)(a) to (f) of the GPDO .

### **Reasons**

#### *Whether development permitted under Class Q*

5. Class Q allows a change of use of a building and land within its curtilage from an agricultural building to a use falling within Class 3 (dwellinghouse) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for building operations reasonably necessary to convert the building to such a use. Paragraph Q.1 sets out the circumstances in which development is not permitted by Class Q and paragraph Q.2 sets out conditions which must be met for the development to be carried out under the permitted development rights.
6. I saw on my site visit that the building is used for the storage of agricultural vehicles and equipment and the Council accepts that, on the balance of probability, the building was in agricultural use on or before 20 March 2013. No extension to the building is proposed and there is no dispute between the parties that the internal floorspace and size of the proposed dwellings comply with the thresholds set out in paragraph Q.1.
7. In relation to building works, sub-paragraph (i) of Q.1 states that development is not permitted if it "*would consist of building operations other than-*
  - (i) *the installation or replacement of-*
    - (aa) *windows, doors, roofs or exterior walls, or*
    - (bb) *water, drainage, electricity, gas or other services*

*to the extent reasonably necessary for the building to function as a dwellinghouse; and*

*(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)."*

8. The appeal building is constructed with a galvanised steel, portal frame with timber purlins and rails and roof bracing to the rear set of rafters. The roof and sides are clad to ground level in plastisol coated steel cladding with 6 roof lights in the pitched roof. My observations confirm the findings of the appellant's Structural Assessment report that all structural elements, cladding, gutters and rainwater pipes are in good condition. There is a concrete slab to part of the floor with the remainder comprising compacted stone laid directly on the earth.
9. The appellant's statement confirms, as indicated on the appeal plans, that the existing steel cladding to the external walls and roof of the building would be retained. The only external works proposed to the building comprise a modest enlargement of the existing opening in the north elevation to accommodate new access doors and windows, the creation of new openings for doors and windows in the other elevations, and the replacement of the 6 existing roof lights with 4 smaller ones.
10. Internally a new concrete floor would be laid, insulation would be provided to the walls and roof and a new mezzanine floor would be constructed to create two levels of living accommodation. Water, drainage and other services would be installed to enable the dwellings to be provided with kitchens, bathrooms and other living accommodation. New garden areas and parking spaces would be created for each of the dwellings within the building curtilage included within the site boundary.
11. Having regard to the proposed subdivision of the building to provide two separate dwellings I consider that the number of new openings has been kept to a minimum consistent with the reasonable provision of access, daylight and amenity for the future occupiers of the dwellings. No concerns have been raised by the Council with regard to the installation of water, electricity or other services. In my judgement the scope of these works can properly be regarded as being within the extent 'reasonably necessary' for the building to function as two dwellinghouses as proposed. These works are, therefore, permitted under the provisions of paragraph Q.1(i)(i). The appellant has confirmed that no demolition or rebuilding is required to facilitate either these works or other aspects of the conversion proposals.
12. Further guidance on building works is provided in the Government's Planning Practice Guidance. Paragraph 105<sup>1</sup> advises that the right under Class Q permits building operations that "*may include works that affect the external appearance of the building and would otherwise require planning permission*". It also states that:

*"It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right";* and that:

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

*“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”*

13. Although it identified some works required to comply with building regulations, the Structural Assessment concluded that the building is structurally suitable for conversion to a dwelling. There appear to have been no alterations to the building since that assessment was undertaken and nothing that I observed on my site visit would lead me to a different conclusion.
14. In its statement the Council sets out its understanding that the proposed works include the construction of new foundations to walls although no such works are indicated on the appeal drawings. The appellant’s statement confirms that no new foundations are proposed. It also advises that the reference, within the Structural Assessment, to such works being necessary to comply with building regulations relate to the scheme put forward in the previous application (19/00783/PAQ) which was refused by the Council in May 2019. The date of the Structural Assessment report (March 2019) is consistent with it having been prepared in support of that earlier application.
15. As confirmed at paragraph 2.6 of the Council’s statement, that earlier proposal included the partial replacement of the external walls with rendered brickwork. New foundations would most likely have been required to support the additional weight of those new masonry walls. No such works are proposed in the appeal scheme as the existing steel cladding would be retained to the full height of the external elevations. That cladding is supported by the existing steel portal frame. Although internal insulation would be needed to meet building regulations requirements and new internal linings may be needed for decorative reasons, I see no reason why new foundations would be required to the external walls.
16. A new concrete floor slab is proposed but this would be laid inside the building and would not affect the external walls. Both this, and the construction of a new mezzanine floor to create two levels of living accommodation, would comprise internal works which do not generally constitute development and which are not prohibited by Class Q.
17. I note the Council’s reference to the judgment in the Hibbitt case<sup>2</sup> and acknowledge the Court’s ruling that there is a discrete threshold to be applied in considering whether a proposal constitutes a conversion rather than the rebuilding of the subject building. The extent of the works proposed in the appeal scheme falls considerably short of that threshold. Accordingly, I find that the proposal does constitute a conversion scheme that fits within the scope of Class Q and is not excluded from the right permitted under that class by any of the provisions in paragraph Q.1.

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<sup>2</sup> Hibbitt v SSCLG [2016] EWHC 2853

*Whether prior approval is required*

18. Paragraph Q.2(1) specifies that, where the proposal is development under Class Q(a) or (b), development is permitted subject to the condition that the developer must apply for determination as to whether or not prior approval will be required in relation to a number of specific matters. Notwithstanding that the application was refused on the grounds that the proposal does not comprise development permitted under Class Q, the Council has set out its views as to whether or not it would have been likely to require prior approval in respect of each of these matters. I have had regard to those submissions.
19. The Council has not raised concerns with regard to flood or contamination risks on the site or potential noise impacts of the development. These matters are also covered in the appellant's evidence and I have seen nothing in the evidence or on my site visit to suggest that such risks might possibly arise. Neither has the Council suggested that the location or siting of the building makes it otherwise or impractical for the proposed change of use to occur. Again, I saw nothing on my site visit which would suggest any grounds for concern in this regard.
20. The residential curtilage provides adequate room for dedicated car parking spaces for each of the proposed dwellings. Access from Browns Lane to those parking spaces would be taken via areas of hardstanding to the front and side of the building and there is more than sufficient room within these areas for vehicles to turn so that they can access and leave the site in forward gear. The granting of access rights to the future occupiers of the proposed dwellings is a private matter between the site owner and those occupiers. There is no general requirement that the land over which that access is taken should be within the residential curtilage of the dwellings. Indeed, as this access would be shared with the farmer's access to the fields to the side and rear of the building, it would not be appropriate to include it within the area subject to the proposed change to residential use.
21. The safety of the access has been considered by the Highway Authority in their consultation response on the application. They accept that it would be appropriate to retain the current 7.2 metre (m) width given that the access would be used by agricultural as well as domestic vehicles. The Highway Authority has, however, recommended some improvements in the interests of highway safety. As acknowledged in the consultation response these would require only minor changes to the access. I consider that these could be secured by means of conditions and are not matters requiring prior approval as suggested by the Council.

**Conditions**

22. In accordance with the GPDO, development must be carried out within three years of the date of this decision and in compliance with the approved plans. I have attached conditions in respect of these matters. I do not consider that any additional conditions are necessary to ensure a satisfactory standard of design and appearance.
23. In line with the Highway Authority's recommendations, and in the interests of highway safety, I have attached a condition which requires the carrying out, in accordance with previously approved details, of a scheme of improvements to

the site access. The appellant has confirmed that these works relate to land that is under its control. I am, therefore, satisfied that these can be secured by means of conditions and that they are necessary in the interests of highway safety.

### **Conclusions**

24. For the reasons set out above I conclude that the appeal should be allowed in the terms set out at the start of this decision.

*Paul Singleton*

INSPECTOR

# APPEAL 2: 6 APR 20

Agricultural Barn, Harborough Road,  
Dingley, Leicestershire LE16 8PJ

Kettering Borough Council

Change of use of agricultural building to 4  
dwellings

Appeal Ref: APP/L2820/W/19/3243571





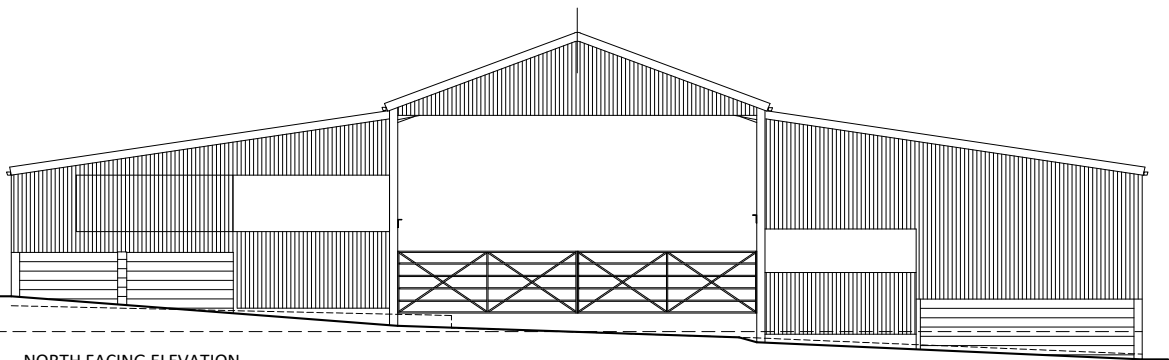
There is a low-level concrete blockwork wall around much of the barn with corrugated metal cladding above. Other sections have doors and are metal clad from roof to ground level. All sides of the barn are clad except the front of the main section of the barn. The floor of the barn is part concrete and part compacted hardcore.



RIDGE 107.243

EAVES 103.787

DATUM 100.000

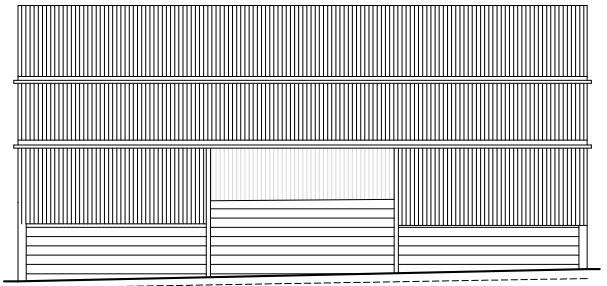


NORTH FACING ELEVATION

RIDGE 107.243

EAVES 103.787

DATUM 100.000

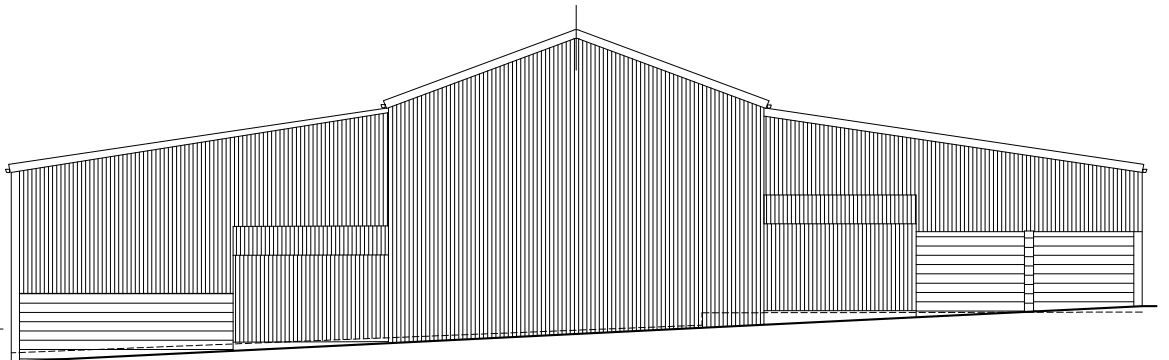


EAST FACING ELEVATION

RIDGE 107.243

EAVES 103.787

DATUM 100.000

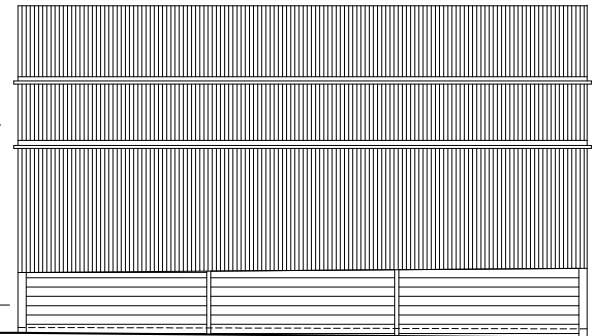


SOUTH FACING ELEVATION

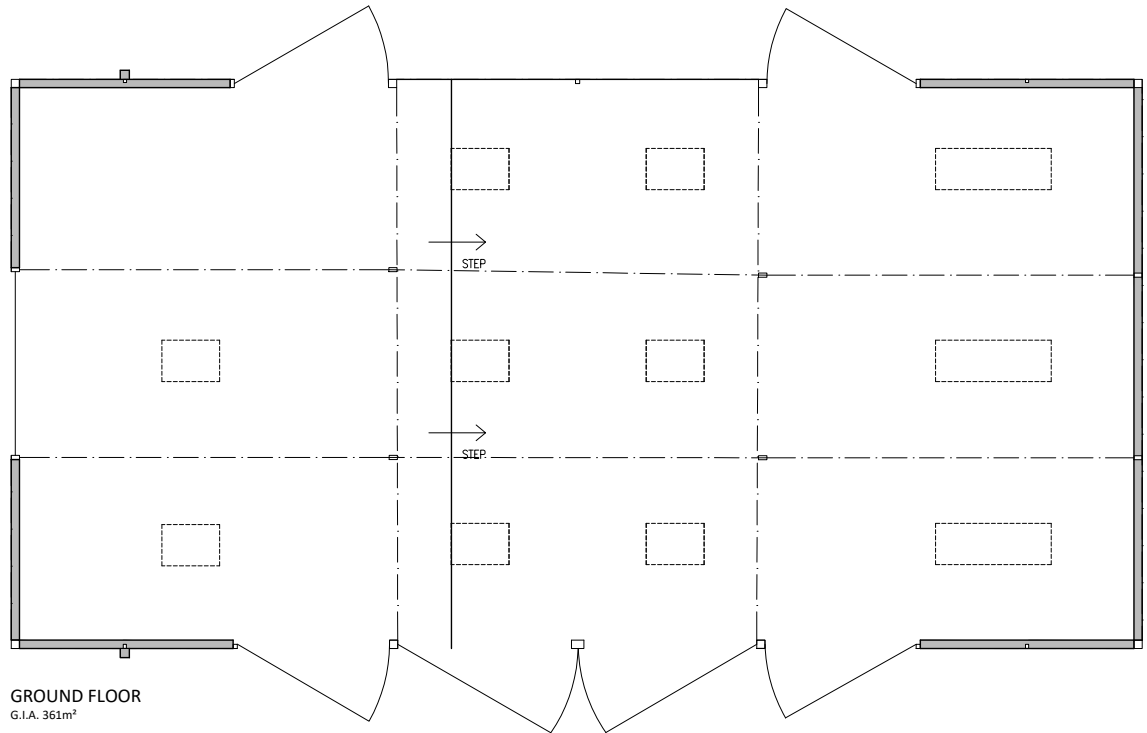
RIDGE 107.243

EAVES 103.787

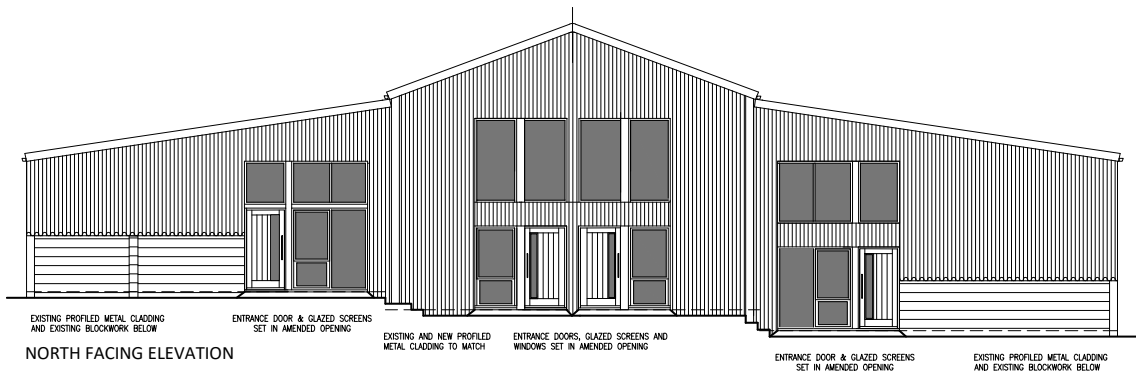
DATUM 100.000



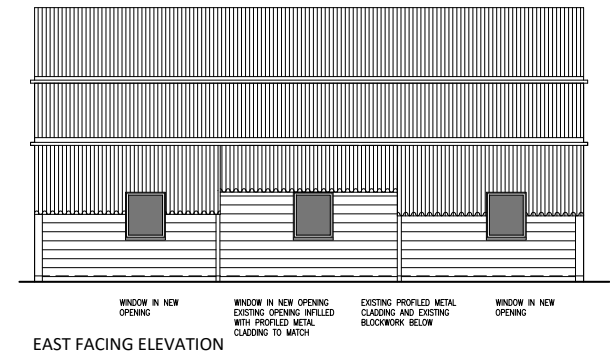
WEST FACING ELEVATION



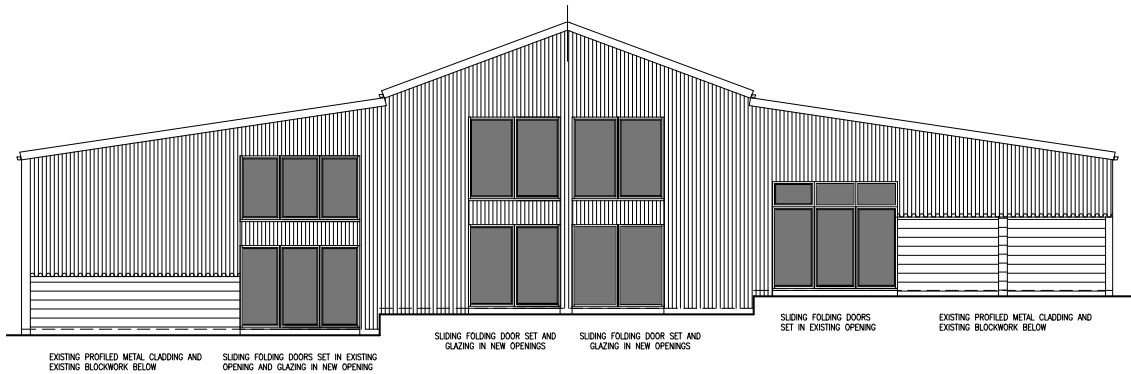
GROUND FLOOR  
G.I.A. 361m<sup>2</sup>



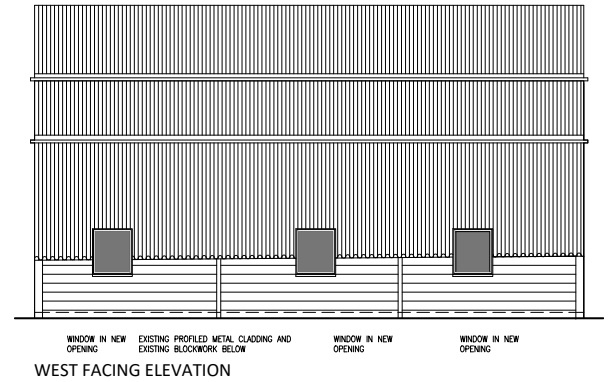
NORTH FACING ELEVATION



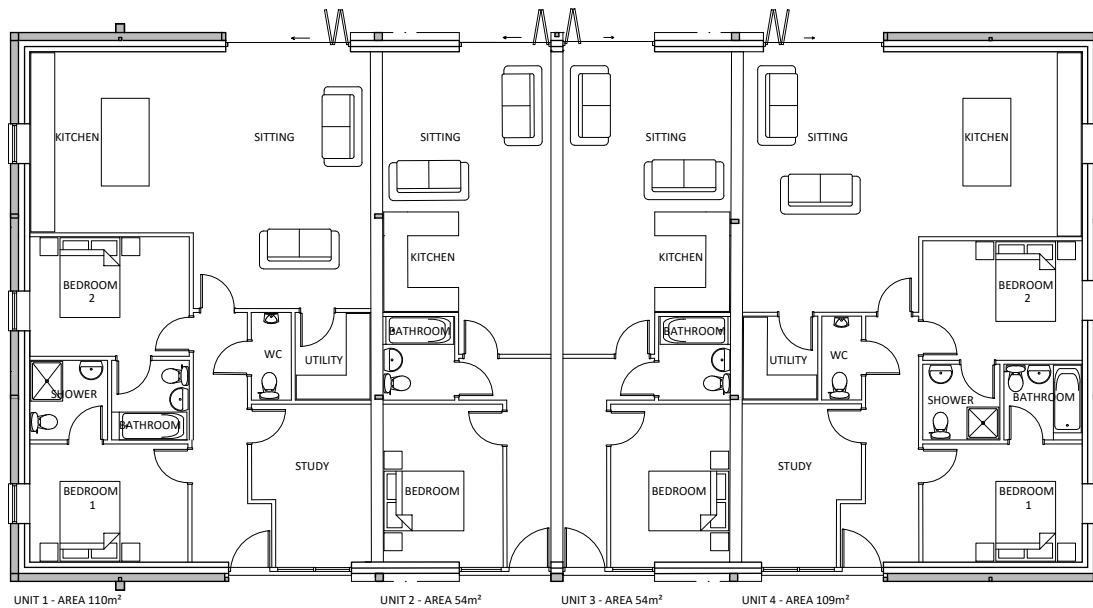
EAST FACING ELEVATION



SOUTH FACING ELEVATION



WEST FACING ELEVATION



GROUND FLOOR

TOTAL FLOOR AREA UNITS 1 - 4 = 327m²

**Internal works:**

A raised floor, resting on existing areas of concrete floor and over a central area that would be cleared and reinstated with hardcore and a new concrete slab

The insertion of an inner frame, within the outer walls and under the roof to support insulation internal wall surfaces, ceilings and a damp-proof layer. This element would be fixed to the steel frame and the blockwork by metal studs



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## Appeal Decision

Site visit made on 10 March 2020

**by Mark Harbottle BSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> April 2020**

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### **Appeal Ref: APP/L2820/W/19/3243571**

### **Agricultural Barn, Harborough Road, Dingley, Leicestershire LE16 8PJ**

- 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 D Harding, Samuel Harding & Sons Ltd, against the decision of Kettering Borough Council.
  - The application Ref KET/2019/0618, dated 5 September 2019, was refused by notice dated 4 November 2019.
  - The development proposed is prior approval for change of use of agricultural building to 4 dwellings.
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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 change of use of agricultural building to 4 dwellings at Agricultural Barn, Harborough Road, Dingley, Leicestershire LE16 8PJ in accordance with the application KET/2019/0618 made on 5 September 2019, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, and subject to the conditions in the attached schedule.

### **Application for costs**

2. An application for costs was made by Mr D Harding against Kettering Borough Council. This application is the subject of a separate Decision.

### **Main Issue**

3. The main issue is whether the proposed development meets the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

### **Reasons**

4. The appeal relates to a steel framed agricultural building comprising a central section with apex roof and two side sections with catslide roofs. The walls are profiled sheeting above blockwork and the roof is profiled sheeting, with some translucent sections, supported by steel purlins. The elevation of the central section facing Harborough Road is largely open, with double gates, and the two

side sections each have gate width doorways in their front and rear elevations. One side elevation includes a translucent section.

5. The proposed external works comprise the insertion of doors and windows, some adapting existing openings, with new sections of profiled sheeting to make good. The proposed internal works include a raised floor, resting on existing areas of concrete floor and over a central area that would be cleared and reinstated with hardcore and a new concrete slab. Other internal works include the creation of partition walls and the insertion of an inner frame, within the outer walls and under the roof, to support insulation, internal wall surfaces, ceilings and a damp-proof layer. This element would be fixed to the steel frame and the blockwork by metal studs. A Structural Investigation and Report commissioned by the appellant concludes that the steel frame will support the existing structure and the proposed inner frame and that the foundations are suitable for the proposed residential use.
6. The issue in contention relates to the requirement in paragraph Q.1(i) of the GPDO Schedule 2, Part 3 that the conversion works be no more than "reasonably necessary for the building to function as a dwelling house". In this case, that turns on whether the elevational changes, the inner frame and floor constitute new elements that go beyond conversion and amount to rebuilding. Advice in paragraph 105 of the Planning Practice Guidance (PPG)<sup>1</sup> states "It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".
7. Both parties have referred to the *Hibbitt* case<sup>2</sup>, which involved four new external walls to a building that was entirely open on two sides and partly open on a third. It was held that "the works went a very long way beyond what might sensibly or reasonably be described as a conversion" and that "the development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building".
8. The appellant has drawn my attention to 5 other appeals where prior approval was granted between March 2018 and November 2019<sup>3</sup> and which included changes to elevations.
9. The Council has referred to a further appeal<sup>4</sup>, dismissed in July 2019, in which another Inspector found the proposed works to be greater than allowed for by paragraph Q.1 because "very extensive other works would be necessary including the installation of external wall sheeting, doors and windows and a new roof covering to provide the envelope for the new dwelling".
10. Having considered these appeal decisions and the nature and size of the existing openings in the building, particularly those in the front of the central section, and the damage evident to adjacent sections of sheeting, I do not find the proposed elevational changes to amount to starting afresh, as in *Hibbitt*, or

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<sup>1</sup> Reference ID: 13-105-20180615, Revision date: 15 06 2018

<sup>2</sup> *Hibbitt & Another v SCLG & Rushcliffe BC* [2016] EWHC 2853 (Admin)

<sup>3</sup> APP/J3720/W/17/3179581, APP/V0510/W/18/3198442, APP/Z3825/W/18/3211612, APP/Y2810/W/19/3234721 and APP/Y2810/W/19/3234921

<sup>4</sup> APP/L2820/W/19/3223350

- to go beyond what would be reasonably necessary to convert the building to residential use.
11. The remaining question relates to the inner frame and the raised floor, which the Council describe as "a superstructure and its associated complete sub-structure layers". Paragraph 105 of the PPG confirms that internal works are not generally development and that "For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q." I consider the inclusion of insulation in the floor to be reasonably necessary for an agricultural to residential conversion.
  12. The list of internal structural works provided in the PPG is not exhaustive and while the text does not mention elements like the inner frame, I consider it to be reasonably necessary to provide insulation that is appropriate to a new dwelling but which was not needed for agricultural use.
  13. The existing and proposed sections drawing indicates that the raised floor would rest on existing concrete slabs, but it does not show the central section of the floor. The Structural Investigation and Report indicates that the current floor in this area would be cleared and replaced with a new concrete slab laid over hardcore. From my inspection of the building it was evident that the central section would need to be made level for domestic use, therefore some work must be reasonably necessary and within the scope of paragraph 105.
  14. The Council considers that work below ground level would be required to install this section, whereas the Structural Investigation and Report indicates it would not involve excavation below the level of the existing structure.
  15. While this new section of floor would support some of the lightweight partition walls, that would be a natural consequence of it lying beneath them. The key wording in paragraph 105 is "to allow for a floor" which implies more than a floor alone. In this context I find the laying of hardcore beneath the section of new concrete floor to be a reasonable action and I note there is no evidence that new foundations would be created.
  16. Considering the inner frame and floor in the context of the *Hibbitt* case and the PPG I do not find them to be starting afresh or to go beyond conversion works but reasonably necessary for the building to function as 4 dwellings.

### **Conditions**

17. Paragraph W(13) of Part 3 of Schedule 2 of the GPDO allows for the imposition of conditions reasonably related to the subject matter of the prior approval. I accept that conditions to allow any unexpected contamination to be dealt with and to avoid the new dwellings sharing the access to Harborough Road with farm vehicles would be appropriate for the welfare of the occupiers of the new dwellings and for reasons of highway safety, although I have not been provided with suggested wording.
18. The Council has also suggested a condition to exercise control over the building's external materials. While I have found the proposed external works to be reasonably necessary, I have noted that some new sheeting would be installed. Consequently, I consider it appropriate to impose such a condition to ensure the conversion works are visually acceptable.

## **Conclusion**

19. For the reasons given above the proposal is a conversion permitted by Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO and the appeal is allowed.

*Mark Harbottle*

INSPECTOR

## **Schedule of Conditions**

- 1) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 2) Following the initial occupation of any dwelling, the vehicular access to Harborough Road shall not be used for any purpose other than in association with the residential occupation of the site.
- 3) No development shall commence until details / samples of the materials to be used in the alteration of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

# APPEAL 3: 18 JAN 21

Barn to North West of May Cottage, East Woodlands Road, Frome, Somerset BA11 5LY

Mendip District Council

Conversion of Dutch Barn and rendered block work lean-to into two residential units

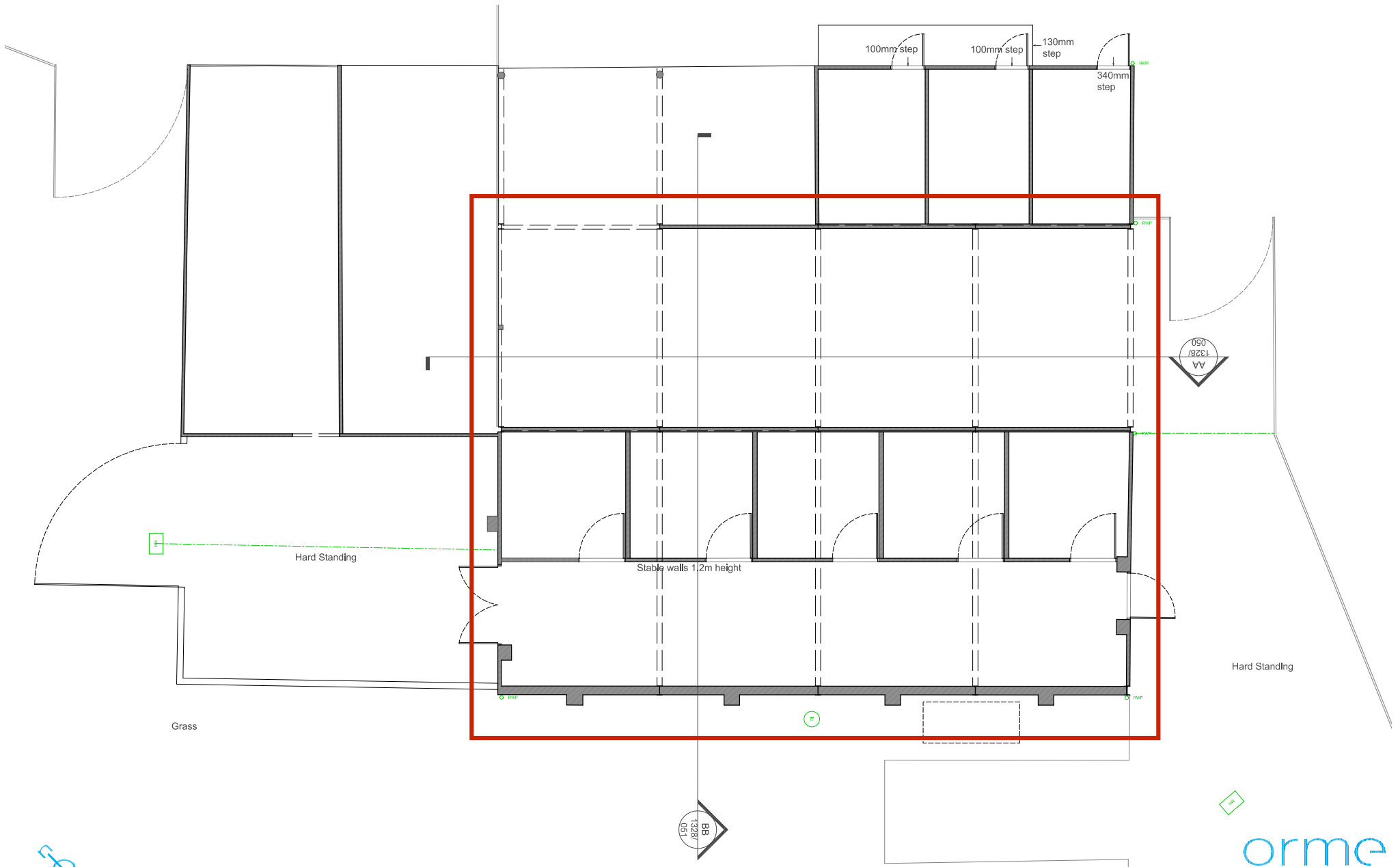
Appeal Ref: APP/Q3305/W/20/3258069

Steven Rennie BSc (Hons) BA (Hons) MA MRTPI









HW

Hard Standing

Stable walls 112m height

Grass

Hard Standing

BB  
1328  
010

HW

090  
1328  
AA

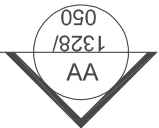
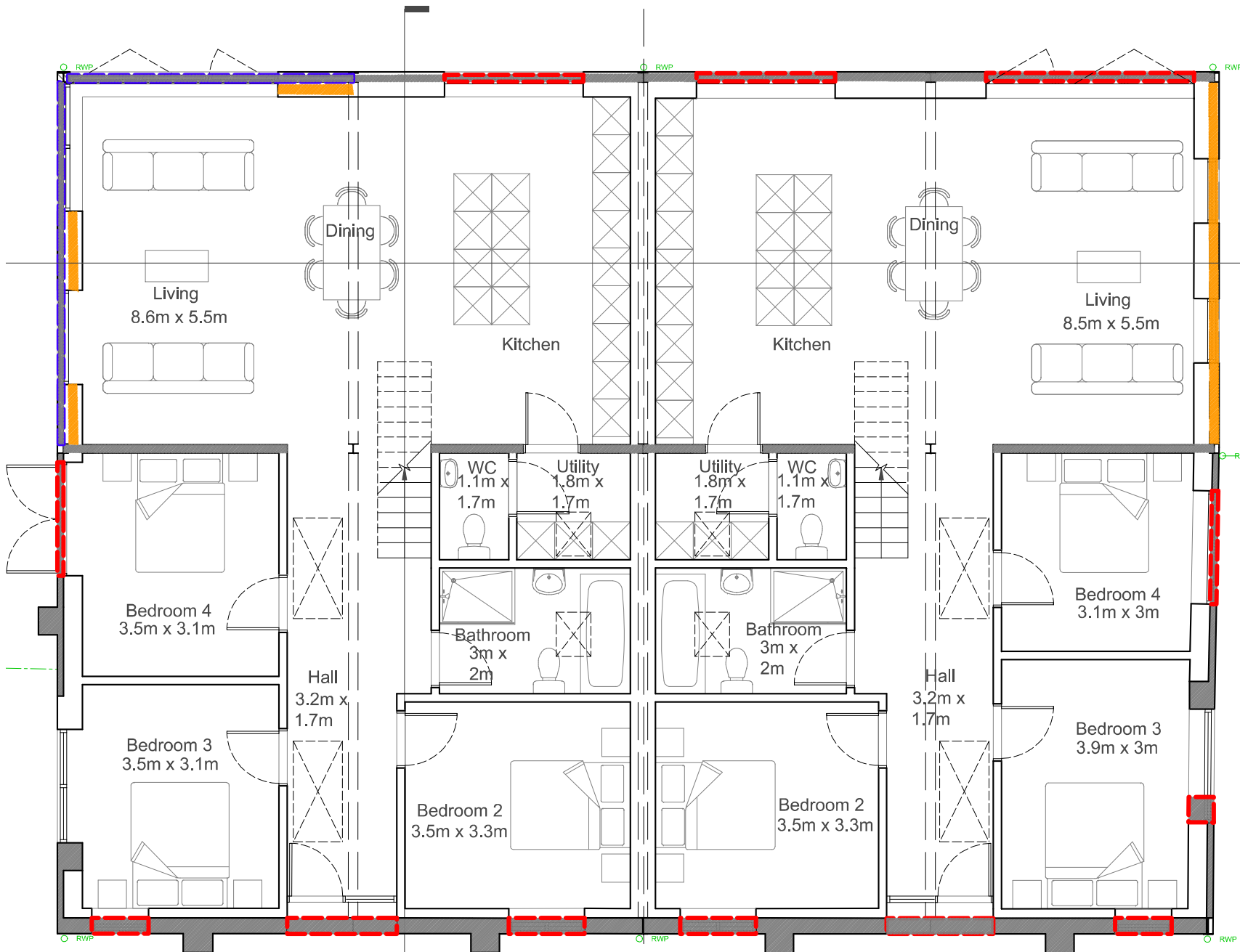


orme

Barn at May Cottage

revision	revision date	title	Existing Plan
		date	02.01.20
		scale	1:100 @ A3
		drg	1328/010 rev *

The title, copyright and confidential information in this document belongs to Orme Limited, all rights reserved. This drawing is to be read in conjunction with other documents issued by the Architect. Only figured dimensions to be used. Contractors not to scale from this drawing and must check all dimensions before proceeding. Any discrepancies reported to the Architect immediately.



Existing External Structure Key:

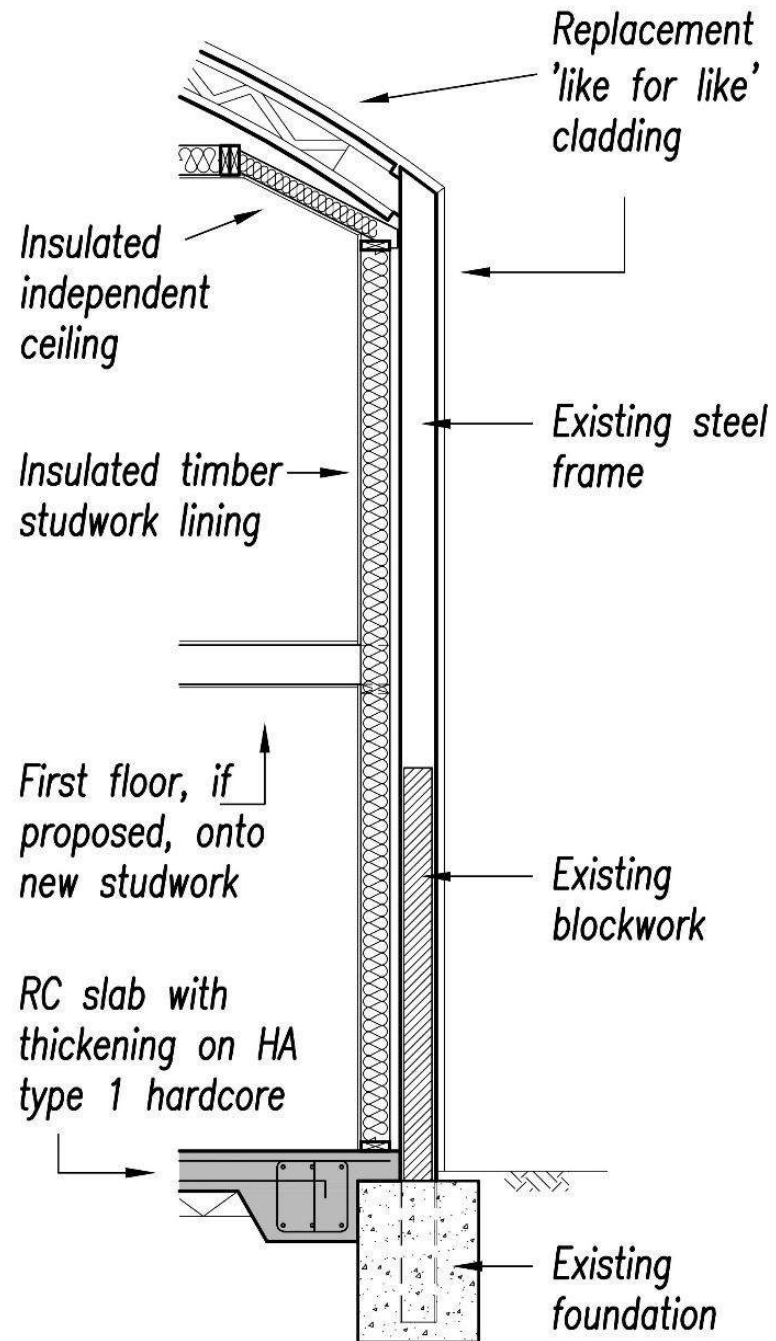
- Areas of existing structure to be over-clad
- Areas of existing structure where windows/doors are being inserted
- Areas of where the structure was enclosed/masked by existing structures

New External Structure Key:

- Areas of new wall or fenestration

UNIT 1

UNIT 2





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## Appeal Decision

Site visit made on 23 November 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 January 2021**

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**Appeal Ref: APP/Q3305/W/20/3258069**

**Barn to North West of May Cottage, East Woodlands Road, Frome, Somerset BA11 5LY**

- 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 Mr Simon Keates and Mrs Hayley Blackie against the decision of Mendip District Council.
  - The application Ref 2020/1088/PAA, dated 3 June 2020, was refused by notice dated 24 July 2020.
  - The development proposed is the conversion of Dutch Barn and rendered block work lean-to into two residential units.
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of Dutch Barn and rendered block work lean-to into two residential units, at the site North West of May Cottage, East Woodlands Road, Frome, Somerset BA11 5LY, in accordance with the terms of the application Ref 2020/1088/PAA, dated 3 June 2020, and the details submitted with it (including plan Refs: 1328/001, 002, 030, 031, 040, 200225, A01/010, A01/020, A01/021, A01/041, A01/050 and A01/051.)

### Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), with particular regard to whether the extent of the proposed works to the building go beyond those permitted under Class Q.

### Reasons

3. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

4. Paragraph Q.1(i) states that development is not permitted by Class Q 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. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed by the same paragraph.
5. Planning Practice Guidance provides further clarification in this regard. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is therefore only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
6. The existing Dutch barn and lean to are in reasonable condition, based on my observations and also the evidence in the submitted Structural Report. There is some rust evident on the steel pillars and also some cladding sheets missing, for example. The metal frame of the barn appears mainly in good condition. The lower block walls and where there is concrete flooring all appears also in good condition.
7. The proposal would essentially see a new internal secondary structural frame to support the ceiling and stud walls. This framework would be largely independent from the existing roof. Whilst these are new structural elements, they are essentially internal works and would not replace the existing barn structure. The Structural Survey report states that the existing primary structure is generally adequate to support the loads of the external works, as long as the cladding would be like-for-like in terms of weight. The appellant acknowledges this and has stated they are seeking to use a lightweight metal for the roof. As such, I see no reason to conclude that the existing structural frame of the barn and lean-to cannot continue to support the external cladding of the walls and roofs following the conversion.
8. The extent of works needed to convert the barn to two dwellings would be significant, but this is not unusual for this type of development. In this case, it is my judgement that the extent of the proposed works would not be so substantial as to constitute a rebuild rather than a conversion. I also would regard the works as reasonably necessary for the conversion. As this case has been raised by the parties, I confirm that in coming to this view, I have been mindful of the High Court Judgement in the case of *Hibbitt v SSCLG* (2016).
9. For the above reasons, I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q. Furthermore, none of the matters set out at Paragraph Q.2(1)(a) to (g) in the context of this appeal indicate that prior approval should be withheld.

### **Other Matters**

10. The Council Ecologist has raised the issue that the site is within Band C of the Bat Consultation Zone for the Mells Valley Special Area of Conservation but they are satisfied that the development would be highly unlikely to have an adverse effect on the bats. There is nothing before me to lead me to conclude differently.

11. The Ecologist has also raised the issue of possible bird strike against the large glazed areas as proposed with the conversion. However, the Council do not regard a condition being necessary although did want this raised with the appellants, with the advice being to use non-reflective glass.
12. The Council has confirmed that there is no historic evidence to suggest that the uses on site would require a full soil investigation due to contamination. However, the Council would advise that if unforeseen contamination is found during the construction phase then the Environmental Health team should be contacted immediately.

### **Conditions**

13. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GDPO.
14. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have included the list of plans within the decision paragraph (paragraph No 1). I do not regard there to be the need for any additional conditions to be imposed.

### **Conclusion**

15. For the reasons given above and in considering all matters raised I conclude that the appeal should be allowed and prior approval granted.

*Steven Rennie*

INSPECTOR

# APPEAL 4: 14 MAY 2021

Land to the North of The Hawthorns, Higher Larrick, Launceston PL15 9QH

Cornwall Council

Change of use of an agricultural building to a dwellinghouse

Appeal Ref: APP/D0840/W/20/3266177

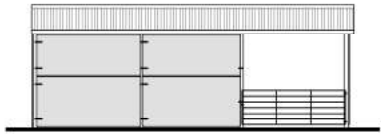








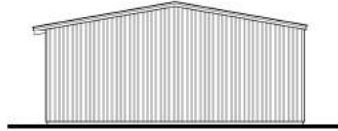
## existing elevations



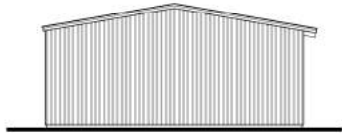
West Elevation 1:100



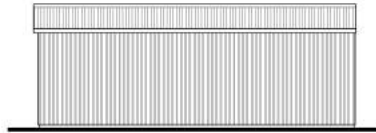
Grey fibre-concrete profile on steel sheeting  
Galvanized steel standard 3 corrugated wall cladding  
Galvanized steel sheeted doors  
Steel stock gate



South Elevation 1:100



North Elevation 1:100

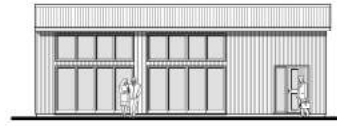


East Elevation 1:100



## A1

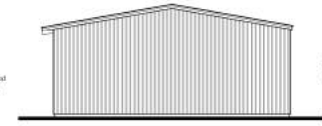
## proposed elevations



West Elevation 1:100



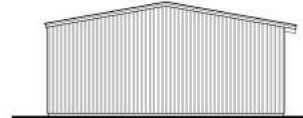
Existing grey fibre-concrete profile on steel sheeting to remain with any damaged sheets or seals replaced if required  
Replace galvanized steel sheeted doors with anthracite metal standard 3 corrugated cladding complete with grey aluminium windows & doors



South Elevation 1:100



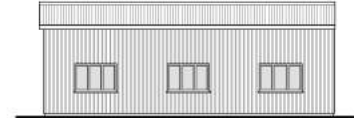
Existing galvanized steel standard 3 corrugated wall cladding to match elevation to be retained and grey painted with specialist anthracite paint



North Elevation 1:100



Existing galvanized steel standard 3 corrugated wall cladding to north elevation to be retained and grey painted with specialist anthracite paint



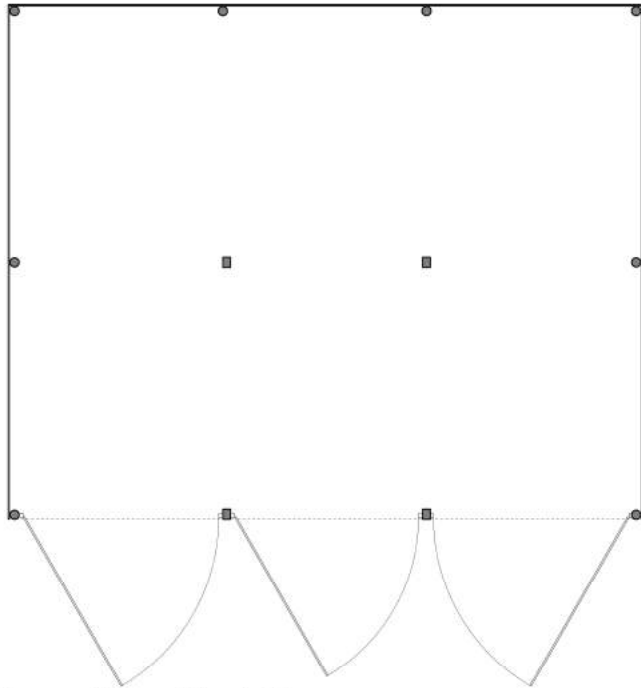
East Elevation 1:100



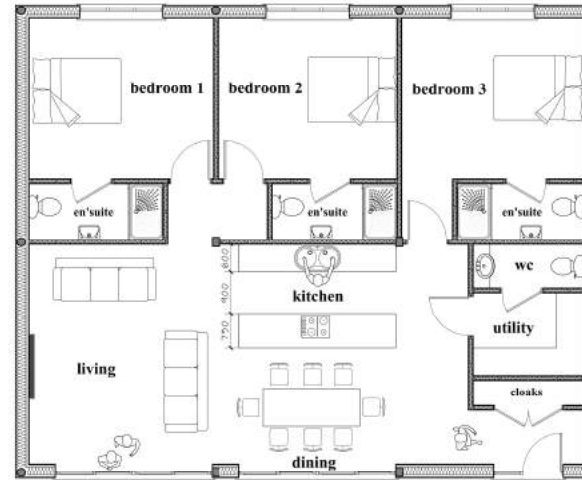
Existing grey fibre-concrete profile on steel sheeting to remain with any damaged sheets or seals replaced if required

Existing galvanized steel standard 3 corrugated wall cladding to east elevation to be retained and grey painted with specialist anthracite paint

Grey aluminium windows to same elevation to be set back into existing timber cladding rails



Proposed floor Plan 1:50



Proposed floor Plan 1:50



Date: April 2020	Scale: as shown	Drawn by: Steve Jeagerford	Drawing No: M/W/2020-23-0000A
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## Appeal Decision

Site Visit made on 23 March 2021

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 May 2021**

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**Appeal Ref: APP/D0840/W/20/3266177**

**Land to the North of The Hawthorns, Higher Larrick, Launceston PL15 9QH**

- 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 Mrs Anne Parsons against the decision of Cornwall Council.
  - The application Ref PA20/03938, dated 4 May 2020, was refused by notice dated 2 July 2020.
  - The development proposed is change of use of an agricultural building to a dwellinghouse and associated operational development.
- 

### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of an agricultural building to a dwellinghouse and associated operational development at Land to the North of The Hawthorns, Higher Larrick, Launceston PL15 9QH in accordance with the terms of the application, Ref PA20/03938, dated 4 May 2020, and the plans submitted with it, subject to the following conditions:
  - 1) The development must be completed within a period of 3 years starting with the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WW2020-21/006A – Existing; WW2020-21/006B2 - Proposed.

### Applications for costs

2. An application for costs was made by Mrs Anne Parsons against Cornwall Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. As the original application form did not include a description of the development, I have used the one given on the appeal form.

### Background and Main Issue

4. Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to a number of situations where such development is not permitted, listed under Paragraph Q.1. The Council raises no concerns in respect of the proposal complying with criteria Q.1 (a)–(h) and (j)–(m). The Council considers, however, that the development is not permitted by Class Q, because the proposal contravenes the requirements of paragraph Q.1(i).

5. Consequently, the main issue is whether the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse.

### **Reasons**

6. The building is single storey, with a supporting structure comprised of four timber frames. The roof is ridged, with the slopes entirely covered in fibre cement profile sheeting. Three of the sides are clad from floor to roof in galvanised steel corrugated sheeting. The remaining side is not permanently enclosed, as it is made up of doors and a stock gate that can be opened. However, the doors are of galvanised steel sheet from floor to eaves, so when shut, the building has a solid appearance all around, apart from the bay containing the gate. The building has a concrete floor throughout, and, overall has a robust and permanent character, and is in a good state of repair.
7. The application was accompanied by a Structural Report, which found no evidence of significant damage or decay within the timber framework or roof timbers. It also concluded that it would be feasible to convert the building to a dwelling, and to retain the existing structure for support. As the Structural Report was prepared by a suitably qualified professional, and I have no robust evidence to cast doubt on its findings, I give it significant weight in my decision.
8. The development would involve the enclosure of the west elevation, with full height glazing in place of the galvanised doors, and a wall containing a door in place of the gate. Three windows would be inserted in the east elevation. The drawings specify the retention of the roof cladding, with any damaged sheets or seals replaced if required. The drawings also specify that the wall cladding on the north, south and east elevations would be retained, and sprayed with an anthracite paint. The roof and walls would be lined internally to provide insulation, and partition walls would be installed to divide the various rooms.
9. The Council has raised doubts about the ability to retain the roof materials. Although some work would be necessary to seal the ridge, it did not appear, from my inspection, that any of the roof sheets would need to be replaced. The Structural Report did not comment on the capability of the existing wall cladding as an external material for the dwellinghouse. However, I saw that it was imperforate, firmly affixed to the structure, and in good condition, with no significant rust, or gaps between the panels. There is no evidence to suggest that its retention and incorporation into the conversion would be infeasible. Consequently, except for sealing and painting, the north and south elevations, and the roof, would be unaltered as a result of the proposal.
10. There would be external changes to the east elevation, with the insertion of three windows, and, more fundamentally, to the west elevation, which would be an entirely new façade. However, Class Q(b) of the GPDO permits building

operations that are reasonably necessary to convert the building to a dwellinghouse. Paragraph Q.1(i) specifies that the installation or replacement of windows, doors, and exterior walls are not excluded from this definition. The proposed works would be necessary to provide enclosure to the living accommodation, and to allow light and air to the internal rooms. They would, therefore, be necessary to allow the building to function as a dwelling, so would be permitted development.

11. The Planning Practice Guidance (the PPG) advises that internal works are not generally development, and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. Consequently, the interior lining of the structure, the internal partition walls, and the provision of the attic storage space would fall within the scope of the permitted development rights conferred by Class Q of the GPDO.
12. The Council contends that the cumulative impact of the works to install new features, and to upgrade existing elements of the building to a standard commensurate with the residential use, would take the proposal outside the scope of conversion. In this regard, my attention is drawn to the Hibbitt case<sup>1</sup>, which considered the difference between conversion and rebuilding. That case, however, involved a proposal to convert a steel framed barn which was largely open on three sides, and the proposed building works included the construction of all four exterior walls. The appeal proposal, by contrast, involves a building that is fully enclosed on three sides. Except for the insertion of three windows, these three elevations would remain unaltered, and the roof would be retained. The starting point would not, therefore, be a skeletal structure, as in the Hibbitt case.
13. Whilst a significant amount of work would be required to render the building suitable for residential accommodation, the works would either be permitted by Class Q.1(i) of the GPDO, or would be internal work that would not constitute development. The Structural Report concludes that the existing structure could support the resultant building. Furthermore, three walls and the roof would remain intact except for the installation of three windows. In these circumstances, the works would constitute conversion of the building rather than re-building.
14. My attention is drawn to two appeal decisions involving Class Q schemes that the Council considers to be similar to the current proposal. However, in both cases, the works required to infill open elements of the buildings were more extensive than would be the case with the appeal building. The proposal would not, therefore, be entirely analogous to these previous decisions, so I have considered it on its own merits.
15. For the above reasons, I conclude that the building operations involved in the development would be to an extent reasonably necessary for the building to function as a dwellinghouse. Consequently, the proposal would comply with the requirements of paragraph Q.1(i) of the GPDO.

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

### **Conditions**

16. Planning permission granted for the change of use of agricultural buildings to dwellinghouses under Schedule 2, Part 3, Class Q of the GPDO must be completed within a period of 3 years, starting with the prior approval date, in order to comply with condition Q.2(3). I have therefore imposed a condition to this effect for the avoidance of doubt. In the interests of certainty, I have also imposed a condition requiring that the development is carried out in accordance with the approved plans.

### **Conclusion**

17. I therefore conclude that the appeal should be allowed, and prior approval granted.

*Nick Davies*

INSPECTOR