

Graham Gover Solicitor

75 Old Bakery Close

Exeter EX4 2UZ

grahamgover.co.uk



Statement in support of a prior approval application
under Class Q.(b)

Barn at Norwood Farm, Norton St. Philip

for Dyson Farming



Statement in support - Barn at Norwood Farm

1. Introduction

- 1.1. I am a solicitor in private practice specialising in town planning, and a Legal Associate of the Royal Town Planning Institute. I have specialised as a legal town planning practitioner since the late 1980s working in both the public and private sectors.
- 1.2. I have been asked to write a statement in support of the application to convert the barn into a dwelling. All other aspects of the prior approval application are supported by the applicant's agents David Glasson Planning Limited. In summary, the works proposed fall into two categories:
 - a. A limited amount of external works to the extent and of a kind that are permitted by Class Q, and
 - b. Other internal works which do not require planning permission and therefore do not fall to be considered against the provisions of Class Q.
- 1.3. The submissions made in this document are supported by Inspectors in recent appeal decisions.

2. The works proposed

- 2.1. Plans of the existing building and proposed works are submitted with the application and the only external works are these:
 - a. South elevation: no change
 - b. North elevation: no change
 - c. West elevation: closure of some roof lights and insertion of others. Creating cutaways to reveal new doors.
 - d. East elevation: Insertion of new roof lights. Creating cutaways to reveal new doors
- 2.2. All other works are purely internal, that is, inside the envelope of the existing structure.
- 2.3. The distinction between internal and external works is made because of the definition of "development" within the 1990 Act and the consequential comments given in the Planning Practice Guidance.
- 2.4. The Guidance states at 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.
- 2.5. The permitted works under Class Q are all external works: the installation or replacement of windows, doors, roofs and "exterior walls", to quote the PPG at paragraph 105. The only external works proposed here are those mentioned and paragraph 2.1 above. These do not need to be especially justified because they are reasonable in extent, they are necessary to enable the conversion of the barn to a dwelling and for the building to function as a dwellinghouse. The amount of fenestration is no more than is necessary to provide adequate natural light to all habitable rooms.

- 2.6. None of the internal works amount to development for the reasons stated at paragraphs 2.3 and 2.4 regardless of their extent. This is evident not just from a plain wording of the Order and the Act, but is also (not surprisingly) how successive Inspectors have understood and applied it to appeals before them. A sample of decisions have been appended to this statement and have been selected because of their similarity to the present application scheme. In each case:
- a. The barn comprised a steel or wood skeleton frame,
 - b. It was clad with a single skin of corrugated steel,
 - c. The internal floor was either bare earth or a substandard hard floor which required a new concrete slab,
 - d. The external skin was retained and structures giving support or insulating properties were created within the exterior structure, and
 - e. A structural report was submitted confirming the suitability of the existing building for conversion
- 2.7. Each application was refused by the planning authority because of the amount of work proposed and in each case the appeal was allowed. The Inspectors recognised the distinction between external and internal works, between works that are counted towards the Class Q criteria and those that are not because they are not development requiring planning permission. There are photographs of each building internally and externally, plans showing the present and proposed and a copy of the decision letter. They are summarised here.
3. **Appeal 1 Ref: APP/P3040/W/19/3241917 Agricultural Building at Stanton Farm, Browns Lane, Stanton-On-The Wolds, Nottinghamshire NG12 5BL – pages 1 to 13**



- 3.1. The building was a steel-clad steel portal frame building with timber purlins and rails and roof bracing. Part of the floor was a concrete slab and the remainder was compacted stone on earth. The cladding was to be retained, a new concrete floor was proposed and insulation was to be added internally. The only external changes were the enlargement of existing openings and the insertion of windows. The
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external works were held to be reasonably necessary for the building to function as a dwelling (paragraph 11, page 10). After quoting PPG Paragraph 105 the Inspector concluded:

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 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.

4. Appeal 2 Ref: APP/L2820/W/19/3243571 Agricultural Barn, Harborough Road, Dingley, Leicestershire LE16 8PJ – pages 14 to 22



- 4.1. The building was a steel framed barn with profile sheeting above blockwork low walls in some parts. There were external works (the insertion of doors and windows, some adapting existing openings, with new sections of profiled sheeting to make good) and 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 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 to be fixed to the steel frame and the blockwork by metal studs).
- 4.2. Despite the opinion of the council on the Hibbitt point, the Inspector concluded that the elevational changes did not amount to starting afresh (paragraph 10, page 20). Dealing with Paragraph 105 and referring to the insulation and the new concrete floor he concluded that these works were reasonably necessary for the change of use from an agricultural building to a dwelling and did not amount to starting afresh or going beyond conversion.

5. Appeal 3 Ref: APP/Q3305/W/20/3258069 Barn to North West of May Cottage, East Woodlands Road, Frome, Somerset BA11 5LY – pages 23 to 31



- 5.1. The section on page 28 shows the building to have a steel frame and cladding. The frame was set in an existing foundation. A new slab floor was proposed along with internal insulation to the walls and roof. The photographs (pages 24 and 25) and plans (26 and 27) showed considerable in-filling of external walls. The Inspector concluded (paragraphs 8 and 9, page 30):

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).

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.

6. **Appeal 4 Ref: APP/D0840/W/20/3266177 Land to the North of The Hawthorns, Higher Larrick, Launceston PL15 9QH – pages 32 - 40**



- 6.1. The timber-framed cement fibre clad building was enclosed on three sides, the fourth side comprising doors and a cattle gate. 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 specified the retention of the roof cladding, with any damaged sheets or seals replaced if required. The drawings also specified 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.
- 6.2. The Inspector once more made the distinction between internal and external works and having referred to Paragraph 105 concluded (paragraph 13, page 39):

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.

7. Conclusion

- 7.1. Whilst these appeal decisions are not precedents, and recognising that all buildings are different, there is a common approach to each development proposal which is directed by law and guidance which is to distinguish between external works that require planning permission and internal works that do not. The assessment that needs to be made is whether the *external works* are reasonably necessary for the building to function as a dwelling. The internal works are clearly required for that purpose also, but they

do not count towards quantum in the *Hibbitt* sense. Even though the works overall are extensive, it is only the external changes that are relevant in a prior approval application, and they are modest in this case. All other things being equal, prior approval may be granted in respect of this proposed conversion.

Graham Gover Solicitor
25 August 2022

Appendix 1

Appeal decision letters and supporting application material