

Conversion Method Statement

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1.0 Introduction

- 1.1 This prior notification is submitted under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 3 Class Q parts (a) and (b).
- 1.2 Paragraph (b) of the legislation sets out that, alongside the change of use of the building, the permitted development also permits 'building operations reasonably necessary to convert the building'. ([Link to Class Q legislation](#)). This part of the legislation is subjective and requires the decision maker to make a planning judgement, based on the facts and merits of each case, on what is 'reasonably necessary'. This decision must be made in light of the legislation, Government Guidance and relevant case law, so as the decision can be made with the correct assessment.
- 1.3 As it is this part of Class Q that is most subjective, this document is produced to fully provide the LPA with all of the detail relating to the methods of conversion, so as it is possible to duly assess the building operations against the policy, guidance and case law.

2.0 The Class Q legislation

- 2.1 The pertinent extracts are provided below:

Permitted development

Q. *Development consisting of—*

- (a) *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) of the Schedule to the Use Classes Order; and*
- (b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

- (i) the development under Class Q(b) 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);

- 2.2 The legislation expressly permits the installation or replacement of windows, doors, roofs or exterior walls – to the extent reasonably necessary for the building to function as a dwellinghouse.

- 2.3 The question of 'reasonably necessary' was tested in the Hibbett Case which is provided in Section 4.0 below.

3.0 Government Guidance – Paragraph 105

- 3.1 Extracts provided below for quick reference:

What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: [Class Q of Part 3 of Schedule 2 to the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#). However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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.

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.

- 3.2 The guidance is useful on the second point which expressly sets out that internal works including installation of a floor, mezzanine or internal walls are not prohibited by Class Q.

4.0 Relevant case law – The Hibbett Case

- 4.1 Link to full script - [Hibbett & Anor v Secretary of State for Communities & Local Government & Ors \[2016\] EWHC 2853 \(Admin\) \(09 November 2016\) \(bailii.org\)](#)
- 4.2 Relevant extracts provided below.

Paragraph 23

The essence of the dispute concerns whether the proposed "conversion" amounts to a "rebuild"

Paragraph 26

First, the concept of "conversion" is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1. Mr Campbell responded to this by saying that Class Q must be read as a whole (including therefore Q.1) and read as such it provides a comprehensive definition of "convert". This was made up of (i) the requirement in Q that the starting point be an "agricultural building" and the end point be a "dwelling"; and (ii) the requirement in paragraph [105] NPPG that the existing building be sufficiently load bearing. The requirement in Q.1(i) that the works be no more than "reasonably necessary for the building to function as a dwelling house" was inherent in the first condition i.e. the definition of a dwelling. It was argued that provided these conditions were met there was no more that was needed to be assessed by a decision maker in order to come to the conclusion that the works amounted to a conversion. The difficulty with this argument is that, on a fair construction of the drafting logic of the Order, the requirement that development amount to a "conversion" is drafted as a separate requirement from these other conditions. In particular (as set out in the second point below) the concept of conversion has inherent limits which delineate it from a rebuild.

Paragraph 27

Second, a conversion is conceptually different to a "rebuild" with (at the risk of being over simplistic) the latter starting where the former finishes. Mr Campbell, for the Claimant, accepted that there was, as the Inspector found, a logical distinction between a conversion and a rebuild. As such he acknowledged that since Class Q referred to the concept of a conversion then it necessarily excluded rebuilds. To overcome this Mr Campbell argued that a "rebuild" was limited to the development that occurred following a demolition and that it therefore did not apply to the present case which did not involve total demolition. In my view whilst I accept that a development following a demolition is a rebuild, I do not accept that this is where the divide lies. In my view it is a matter of legitimate planning judgment as to where

the line is drawn. The test is one of substance, and not form based upon a supposed but ultimately artificial clear bright line drawn at the point of demolition. And nor is it inherent in "agricultural building". There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building. I should add that the position of the Claimant was that the challenge was as to law; if the argument in law was lost (and the Inspector did not therefore misdirect herself) then it was not argued that the Inspector acted irrationally in coming to the conclusion that the works were a rebuild / fresh build, and not a conversion.

Paragraph 34

Finally, I should say a brief word about two discrete points of construction which were raised in argument. The first concerns the Inspector's analysis of the weight she attached to the extent of the proposed works. In my view she correctly recognised that the extent of the works was not dispositive. In many permitted developments the work might be extensive yet that does not thereby disqualify a development from automatic permission. I also accept her analysis that the extent of the works to be undertaken was one, amongst other, relevant consideration that could assist in forming a judgment whether the works were part of a conversion or were, instead, part of a rebuild or fresh build. I thus accept the analysis that the extent of the works is a relevant but not dispositive consideration.

4.3 Main points to take from the Hibbett judgement:

- a) The development must be a 'conversion' and not a rebuild otherwise it fails Class Q (paragraphs 23 and 26)
- b) Rebuilding can happen without demolition – something does not have to be demolished before it constitutes rebuilding (paragraph 27)
- c) In the Hibbett case, the works went 'a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building' (paragraph 27)
- d) The extent of works is relevant but not dispositive (the deciding factor) (paragraph 34).

5.0 Conversion method statement

- 5.1 In order to demonstrate how this building meets the legislation, guidance and Hibbett case, it is important to logically work through the method of conversion so as the LPA can understand the proposed building works and therefore make a judgment on whether it does constitute a 'conversion' and the works are reasonably necessary – or whether the 'works go a long way' beyond what is sensibly described as a conversion. Finally it is useful for the decision maker to understand the extent of works as this is relevant (although not *the* deciding factor).
- 5.2 In order to answer this point, it is approached in a three step process:
- 1) Is the **existing** building **structurally sound and able to accommodate** the conversion building operations?
 - 2) **What are the building operations required** in order for the building to function as a dwelling?
 - 3) When taken as a whole, are the works required considered to be a conversion?
- 5.3 As a reminder, the legislation and guidance is clear that it permits:
- 1) The installation or replacement of windows, doors, roofs or exterior walls
 - 2) Internal works such as installation of a floor, mezzanine, stairs and internal walls are 'not development' thereby permitted through the Class Q

6.0 Is the existing building structurally sound and able to accommodate the conversion building operations?

- 6.1 The applicants instructed Paul Smith of Geomex, Building Engineers to undertake an assessment of the structural suitability for conversion, of the existing agricultural building. The report is submitted with the application.
- 6.2 The report considers all the structural parts of the existing building including roof, framework, foundations and walls.

Their conclusion is:

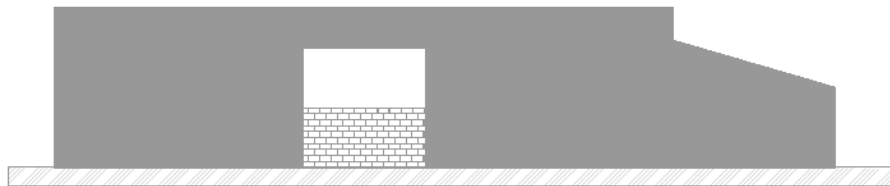
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| 7.2 | The steel framework would appear adequately sized and considered suitable for the proposed change to residential accommodation. Hence, we do not believe there is any problem with the structural components carrying the loads. |
| 7.3 | It is our opinion that the structure is suitable for conversion into a habitable dwelling without the need for structural improvements, albeit some thermal qualities will require improvements. The addition of floor insulation and insulation to the existing walls and roof does not afford any necessary structural improvements as the building is already able to sustain the loads imposed on it. These works only afford the necessary thermal and essential improvements to meet current day Building Regulations. |

- 6.3** The assessment has been made by a qualified Structural Engineer who is experienced in Class Q conversions. **His summary is that the framework (including roof) is suitable for conversion without additional structural elements.**

7.0 What are the building operations required in order for the building to function as a dwelling?

7.1 Description of existing agricultural building

Steel portal frame with lean-to. Steel frame roof with timber rafters and purlins, fibre cement roof sheets



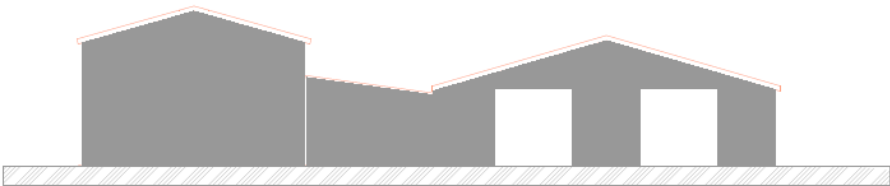
Southern elevation (rear of building)

- Fully clad (external) to eaves
- Breeze block walls (internal) to approx. 2.2m
- One bay without cladding



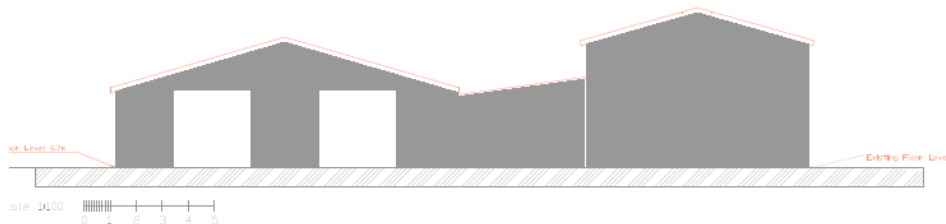
Northern elevation (front of building)

- Partially clad / gates at bottom
- Open above



Western elevation (side of building)

- Fully clad (external) to eaves
- Breeze block walls (internal) to approx. 2.2m



Eastern end and lean-to (side of building)

- Full clad (external) to eaves
- Lean to breeze block walls to 2.2m and clad above

7.2 Description of proposed dwelling

Steel portal frame with lean-to – retained as existing

Steel frame roof with timber rafters and purlins – retained as existing. Roof sheets to be replaced with composite better insulated sheeting of similar external appearance.



Southern elevation (rear of building)

- Retain cladding throughout (externally)
- Internal breeze blocks retained and used as structural support for first floor
- Middle bay without cladding to be glazed
- Modest windows to provide natural light to all other rooms

Northern elevation (front of building)

- To enclose by cladding externally to match other three sides
- Middle bay without cladding to be glazed
- Modest windows to provide natural light to all other rooms

Western elevation (side of building)

- No changes

Eastern end and lean-to (side of building)

- External cladding to remain
- Installation of bi-fold doors for light to kitchen / living area

7.3 Table of proposed works

Building element	Existing structure	Building operations	Extent of works required
Frame	Steel frame	Steel frame to be retained. The structural report confirms that the frame is structurally sound without repair. The report also confirms the frame is suitably sized and can carry the proposed loads required for conversion. The column posts have a bolted joint connection to the rafters which prevents bending. The column posts are fixed to large concrete slab foundations to absorb movement and prevent overturning.	No building operations required to the steel frame for conversion to a dwelling.
Floor	Hardstanding	It is proposed to pour a new concrete slab floor throughout the building in accordance with the heights required by the FRA.	Internal so not development under Class Q.
Walls	Breeze block walls to south and east elevation with external corrugated tin sheeting.	<p>Three out of four walls of the building are fully clad and externally this cladding will remain as existing. The front elevation will be enclosed to match the remainder using laterally braced side rails (timber rails between metal posts). The two middle bays of the front and rear elevations will not be clad and will have windows installed for natural light.</p> <p>Internally, the breeze block wall on three sides will be retained and used as the foundation upon which a timber frame will be built internally between the breeze blocks and eaves. This is to</p>	Externally the front elevation requires cladding to fully enclose the building and this does constitute a building operation. The installation of walls is permitted under the legislation. The other three sides are retained as existing. All other works to convert this building are internal and do not constitute building works (for the purposes of Class Q). No additional structural elements required.

		<p>allow insulation to be placed between the timber and external cladding.</p> <p>On the front elevation, internally the whole elevation will have a timber frame built inside the cladding, again for insulation purposes. The timber panelling is extremely lightweight and will simply be built on top of the concrete floor as foundations for this section are not required.</p>	
Windows and doors	None	Windows and doors will be structurally supported by the existing steel frame and internal timber frame. No additional structural elements required for installation. The frames will be grey aluminium to keep in similar design and style with the existing building.	Windows and doors constitute a building operation which is permitted through Class Q.
Foundations	Concrete foundations under steel posts and breeze block walls	The structural report confirms that foundations under the breeze block walls to the main building have a width of 600-640mm which are adequate to sustain the load from a full height wall. The foundations under the columns are 1.0m deep and are also considered adequate.	No building operations required to the steel frame for conversion to a dwelling.
Roof	Steel and timber frame purlins (between steel frame) and rafters. Fibre cement roof sheeting.	The structural element of the roof (steel frame, purlins and rafters) are to be fully retained without need for repair or addition. Whilst the fibre cement could be retained, it is proposed to replace the roof sheets with a composite lightweight tin sheets which are preferable for aesthetic purposes. The roof will be insulated internally to bring it up to building regulation standards.	The structural element of the roof will remain as per the existing building. It is proposed to replace the roof sheets for aesthetic benefit. The proposed roof sheets are of a similar weight and loading to the existing so no additional structural elements to the roof required.

7.4 In summary:

- There are no new structural elements required including no new foundations required
- Three sides to the building will be fully retained as existing
- The front elevation requires building works – these being the cladding of the front 4 bays
- The building requires the installation of windows and doors
- It is proposed to replace the roof sheets with composite panels with better thermal qualities and for aesthetic purposes
- All other works required to convert this building are fully internal and do not constitute development (as per the Government Guidance).

8.0 When taken as a whole, are the works required considered to be a conversion and meet the tests?

- 8.1 The building has been found by a Structural Engineer to be capable of conversion to a dwelling without additional structural elements or repair. The existing size and shape of the building is capable of taking the loading required.
- 8.2 The building operations required in order for this building to function as a dwelling are the cladding of four bays to the front elevation, and the installation of windows and doors. These building operations are expressly permitted in the legislation.
- 8.3 Whilst it isn't essential for the conversion, it is proposed for thermal insulation gain and aesthetic purposes to replace the fibre cement roof with composite lightweight roof sheets of similar style and colour. This isn't necessary for the conversion, but would be beneficial to the final build quality. It is also a building operation allowed under the legislation.
- 8.4 All other works required for the conversion are internal. Therefore in total the amount of building operations and extent of works is relatively small
- 8.5 The Hibbett building failed the Class Q 'tests' on the basis that the works went a 'a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building'.

- 8.6 This building requires minor amounts of expressly allowed building works in order for it to function as a dwelling, there is no 'rebuilding' and no 'starting afresh'.
- 8.7 The proposed dwelling has been designed modestly, with a simple form to retain the agricultural nature of the building, in this farmyard setting. The proposed conversion works reflect this, fully retaining the cladding, roof and walls. Externally, the main visual difference between the existing and proposed buildings are the windows and doors.
- 8.8 In summary we submit that this meets all of the legislation, guidance and the 'Hibbett test' and can be considered a true conversion.

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