



Appeal Decision

Site visit made on 27 March 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2018

Appeal Ref: APP/R3325/W/18/3192896

Church Farm, Stoke Trister, Wincanton, Somerset BA9 9PG

- 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 and Mrs M Haskett, Church Farm Partnership, against the decision of South Somerset District Council.
 - The application Ref 17/02462/PAMB, dated 25 May 2017, was refused by notice dated 12 July 2017.
 - The development proposed is two buildings to be converted into two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the development is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Schedule 2, Part 3, Class Q of the GPDO states that 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 building operations reasonably necessary to convert the building, is permitted development.
4. The appeal relates to two barns at Church Farm. The Council does not dispute that the portal frames of both are anything other than structurally sound. The supporting assessments also state that the concrete ground slabs are robust and capable of supporting the proposals. Based on the evidence before me and my own observations, I find no reason to take a contrary position on these matters.
5. The application forms state that it is proposed to retain all existing walls and roof sheeting and insert new doors and windows. Planning Practice Guidance advises¹ that "*Building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for*

¹ Paragraph: 105 Reference ID: 13-105-20150305

the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for 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."

6. The parties have also referred to the High Court judgment of *Hibbitt v SSCLG (2016) EWHC 2853* where it was held that the building must be capable of conversion to residential use without operations that would amount to either complete or substantial re-building of the pre-existing structure in order for a proposal to benefit from Class Q permitted development rights. I accept that the appeal barns are not exactly the same as that in the Hibbitt case, nevertheless, the principles are relevant and I have taken them into account in my decision.

Barn 1

7. The proposal is to retain two bays of the building and to convert it to a single storey three bedrooled dwelling. Consequently the front part of the building would be demolished and an entirely new north east elevation would be constructed.
8. The south eastern and north western elevations are primarily blockwork, with the upper levels supplemented by asbestos cement sheeting. I'm not convinced that the latter would be retained, given their condition and the need to create new openings. However, they only cover a relatively small extent of the elevations.
9. Much of the south west elevation is clad in asbestos cement sheeting which appeared to be in a poor state of repair. Given also the extent of the openings which would need to be created, I consider it unlikely, on the basis of the evidence before me, that anything other than the blockwork sections would be retained.

Barn 2

10. The north east front elevation of the building is mainly open. The only cladding that exists is essentially restricted to the gable area. This appears to be asbestos cement sheeting which is in poor condition with missing sections. On the basis of the evidence before me, I do not consider it to be a realistic possibility that this will be extended down to ceiling height. An entirely new exterior wall to this elevation would likely be required.
11. The south west elevation is similarly clad in asbestos cement sheet above blockwork level. Given the nature and appearance of the material, I am unconvinced that this significant portion of the elevation would be retained over and above the blockwork, particularly if windows are cut into it.
12. I note the structural assessment states that the corrugated iron cladding to the north east elevation is generally sound. If this is meant to relate to the north west elevation (as the north east elevation is essentially open), then I have little evidence to support this assertion. On the basis of my own observations, the metal sheeting above the blockwork on the north west elevation appeared for the most part to be in a poor condition. Therefore, I do not consider it

likely that this would be retained with new windows inserted. Again therefore, a substantial proportion of this elevation would be stripped back to the frame, above blockwork level.

13. The removal of the existing lean-to element would expose the existing blockwork wall on south east elevation which is of varying height. A significant amount of new walling would be required on this elevation to make up the height difference to eaves level.

Conclusions for barns 1 and 2

14. I have noted the section details provided by the appellant (drawing number 12122-16 and revision A of the same). However, on the basis of the evidence before me and my observations on site, I am unconvinced that all existing walls would be retained and re-used. Even if it is just certain sections that would need to be replaced, this is likely to create a 'domino' effect, particularly with the asbestos cement sheeting.
15. In my judgement the extent of the external walls that would remain would likely be restricted to those blockwork sections only and that a significant extent of new walling would be required, thereby indicating that the building is not capable of conversion to residential use without operations that would amount to substantial re-building works. As such, due to the extent of the necessary works resulting from the limited amount of retained structure, I do not consider the proposal would represent a conversion of the existing building and instead would involve substantial re-building, which would fall outside the permitted development right.
16. Whilst the extent of the works is not dispositive, I am not convinced that the other considerations submitted in favour of the proposal, including any other permitted development rights, suggest that the works would be part of a conversion, instead of part of a substantial rebuild. Therefore, even on the basis that the existing roof coverings are retained I find that the works go beyond the threshold of a conversion proposal and thus is not permitted development. As I have found that the subject building does not benefit from the permission granted by Class Q, it is not necessary or appropriate for me to consider the various criteria set out in paragraph Q.2 of the GPDO.
17. Therefore, for the reasons given above, I conclude that the proposal is not permitted development and that the appeal should not succeed.

Richard S Jones

INSPECTOR