



Appeal Decision

Site visit made on 25 March 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2019

Appeal Ref: APP/R3325/W/18/3218206

Chestnut Farm, Thornymarsh Lane, Thorn, Castle Cary, Somerset BA7 7NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Robert Bayley against the decision of South Somerset District Council.
 - The application Ref 18/02585/PAMB, dated 16 July 2018, was refused by notice dated 15 October 2018.
 - The development proposed is a Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants argue that the Council is not currently in a position to demonstrate a five-year supply of deliverable housing sites. However, this is not a matter that can be taken into consideration in the context of an appeal against a refusal to grant approval required under the General Permitted Development Order (GPDO).

Main Issue

3. 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), with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

4. The appeal site comprises an agricultural building located within proximity to a range of other agricultural buildings which form part of Chestnut Farm. The structure proposed to be converted into a dwellinghouse is a barn constructed of a steel frame set on concrete foundations, which supports a curved roof made of corrugated galvanised sheets. The front elevation is open, whilst the side and rear elevations are largely enclosed with part concrete block walls and part corrugated metal sheets with green mesh, which are supported on steel or timber rails spanning between the main columns.
5. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building and any land within its curtilage to a residential dwelling,

together with building operations reasonably necessary to convert it. There is no dispute between the main parties regarding the agricultural use of the building on 20 March 2013. The proposal would enable the formation of one smaller home, which would be no larger than 100 square metres. Accordingly, the change of use of the building to a dwellinghouse is permitted by Q.1(a) and (c) of the GPDO.

6. Paragraph Q.1(i) places a limitation on the building operations permitted under Class Q, which are listed as the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, as well as partial demolition to the extent reasonably necessary to carry out these building operations.
7. Paragraph 105¹ of the Planning Practice Guidance (the PPG) however 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. In order to be considered as permitted development, the proposal must fall within the scope of a 'conversion' as opposed to a 'rebuild'. In the case of *Hibbitt*², it was held that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. It is therefore, a matter of judgment, for the decision maker, having regard, in each case, to both the type and extent of the works proposed.
8. As part of the proposal, the existing roof would be retained, but a new pitched ceiling would be constructed within the barn. The front (East) elevation would include floor to ceiling glazed panels, with only minimal blockwork to what is shown on the floor plan as the cloakroom and lounge. The existing mesh and cladding would be replaced with timber cladding, and new doors and windows would be installed. The proposal would require the formation of a hardstanding floor level, as there currently is no flooring to the barn. The existing lean-to would be used for car parking and cycle storage.
9. In assessing the nature of the building operations, I have had regard to the Inspection Report prepared by JCP Consulting Structural and Civil Engineers³. The report explains that investigations were carried out to establish the foundations of the block walls, which were found sound, with no signs of movement. Whilst it is stated that the new ceiling would provide support for insulation and services, the submitted evidence, including the proposed plans, do not clearly show how it would be accommodated within the fabric of the existing building. I also note, from the Inspection Report, that a new concrete floor slab could be introduced, which would be able to carry the new internal walls and ceiling. On the basis of the evidence before me, I am therefore unable to conclude that the existing building is capable of carrying the load of the proposed works without the construction of new structural elements.
10. Moreover, despite the retention of the existing blockwork, the proposal would include a substantial amount of glazing and cladding, to replace the existing corrugated cladding and green mesh. In my view, the building would therefore

¹ Reference ID 13-105-20180615.

² *Hibbitt and another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council* [2016] EWHC 2853 (Admin).

³ Reference 10971A/JCCH.

only be capable of functioning as a dwelling following substantial works. The extent of the building operations required would go beyond what could reasonably be described as a conversion and be so extensive as to amount to a substantial re-build.

11. My attention has been drawn to other prior approvals for the conversion of agricultural buildings to dwellinghouses granted by Bath and North East Somerset Council in Wellow⁴, and by Taunton Deane Borough Council in Stoke St Mary⁵. From the limited level of details contained within the delegated reports produced for these applications, it is difficult to make any meaningful comparisons with the proposal before me which, in any event, I am required to assess, having regard to the presented evidence, and come to a conclusion as to whether or not they fall within the statutory limits.
12. I find therefore that the proposals would not constitute permitted development in respect of Class Q of the Order. As a result, there is no need to consider whether or not the proposals would require prior approval in respect of the accompanying conditions set out in paragraph Q.2.

Conclusion

13. For the reasons given above, the proposed building operations would extend beyond what can be considered as reasonably necessary for the building to function as a dwellinghouse. It would amount to a substantial re-build rather than a conversion. I conclude that the proposal does not constitute permitted development and should consequently be dismissed.

S Edwards

INSPECTOR

⁴ Local Planning Authority reference 17/05885/ADCOU.

⁵ Local Planning Authority reference 37/18/0005/CQ