The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/B3438/W/19/3224978
Barn, Townhead Farm, Foxt Road, Foxt, Staffordshire ST10 2HW

- 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, Paragraph Q of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
- The appeal is made by Mr and Mrs Titterton against the decision of Staffordshire Moorlands District Council.
- The application Ref DET/2019/0002, dated 1 February 2019, was refused by notice dated 1 March 2019.
- The development proposed is the conversion of an agricultural building to form a single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:

    - 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); and
    - Whether the design or external appearance of the building would be acceptable given the rural character and appearance of the area.

Reasons

Whether the proposal would be permitted development

3. Class Q 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) of the Schedule to the Use Classes Order[1] and any building operations reasonably necessary to convert the building.

4. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It 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

[1] SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

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).

5. The Planning Practice Guidance (PPG) provides further clarification and 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.

6. The appeal building comprises a substantial dual pitched roof building constructed of block work, corrugated metal sheeting, corrugated fibre sheeting and wooden cladding. The external cladding shows signs of weathering and disrepair and the roof appeared to be constructed of asbestos cement, though this has not been confirmed by independent analysis. The structural survey indicates that the existing structural frame is adequate to cater for future loadings provided that any new ceilings/floors and insulation are supported independently off a new ground floor slab.

7. The steel frame of the building and existing blockwork would be retained and cladding to elevations would be replaced with vertical treated timber and the roof replaced with Plastisol coating standing seam steel sheeting with integrated photovoltaic solar panels. The roof covering and elevations would be insulated internally. Additional block work would be constructed to the front, side and rear and windows and doors would be inserted. Elevations and roof covering would be insulated. Living accommodation would be provided at ground floor level only.

8. The PPG and the notable judgement in the Hibbitt[2] case make it clear that the development should not be so extensive as to amount to a 're-build' or 'fresh build', by, for example, reducing the building to a skeletal structure before reconstructing. I accept that there are four elevations in situ and that the structural frame is suitable for conversion. However, the works required to convert the building would be significant. Although existing block work would be retained, a significant amount of the block work would be new. Whilst the replacement of the roof, walls and floor internally to insulate and waterproof the building, and externally for weatherproofing, could, in my view, fall within the category of reasonably necessary for the building to function as a dwellinghouse, given the extent of the works that are proposed this would, in my view, constitute a re-build.

9. The appellant has drawn my attention to an appeal decision, APP/B3438/W/18/3202031 at Hayes Bank Farm, Star Bank, Oakmore, Staffordshire where the issue of whether the agricultural building was capable of conversion was considered by the Inspector. However, I have not been provided with substantive details and am therefore not able to conclude that this is comparable to the appeal scheme before me. Furthermore, I am obliged to consider the appeal on its own merits.

10. Thus, I conclude that the proposal would be not be a conversion and as such, would not constitute a form of permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the associated guidance within the PPG.

[2] Hibbitt v SSCLG [2016] EWHC 2853

Character and appearance

11. Given my conclusion that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether the design or external appearance of the building would be acceptable as it would not alter the outcome of the appeal.

Other Matter

12. The Parish Council has expressed support for the scheme and has requested a hearing. However, both the appellant and the Council have confirmed they are happy for the appeal to proceed by way of written representations and, following my assessment of the evidence I am satisfied that I have sufficient information on which to make a decision.

Conclusion

13. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance, and cannot be addressed through prior approval provisions set out under paragraph Q.2(1) of the GPDO.

14. The appeal is, therefore, dismissed.

M Savage

INSPECTOR