The Planning Inspectorate

Appeal Decision

Site visit made on 28 November 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 January 2018

Appeal Ref: APP/C3240/W/17/3181573
Agricultural Building at Adeney House Farm, Edgmond, Newport, Shropshire TF10 8LY

- 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.
- The appeal is made by Mr E Jolleys against the decision of Telford and Wrekin Council.
- The application Ref TWC/2017/0112, dated 8 February 2017, was refused by notice dated 4 April 2017.
- The development proposed is the change of use of an existing building to create three dwellings.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for the change of use of an existing building to create three dwellings at Agricultural Building at Adeney House Farm, Edgmond, Newport, Shropshire TF10 8LY in accordance with the terms of the application Ref TWC/2017/0112, dated 8 February 2017 and the plans submitted with it.

Procedural Matter

2. I have used the above description of the proposal rather than the one used on the application form because it more accurately describes the proposal the subject of this appeal.

Main Issue

3. The main issue is whether the proposed conversion constitutes development permitted by Class Q of the GPDO.

Reasons

4. Class Q of the GPDO relates to 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 (dwelling house); and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling house). The Planning Practice Guidance provides further advice on the interpretation of the permitted development right. Procedures for making applications for prior approval are set out in Paragraph W of the GPDO.

5. The appeal building is a single storey agricultural building constructed with five bays of precast bolted concrete portal frames with infill blockwork perimeter walls and a concrete floor. The infill blockwork situated between the portal frame columns is also longitudinal bracing for the building. The portal frame is cast into the ground. The roof is corrugated cement based sheets supported by timber purlins on the roof slopes and the side walls have corrugated cement-based sheets on their upper portions and blockwork between the frames. There are openings on the East elevation but otherwise no window openings.

6. The current proposal is to change the use of the building to three residential units and would involve installing internal insulated timber wall additions with new openings in the external walls. The external walls of the building would be reused and it is my understanding that the new inner walls would not add any load on the existing frame or walls but rather the load of the building would go directly to the ground through the proposed internal wall studwork. The Structural Appraisal report also states that the existing building frame will remain largely unchanged in structural stability and load supporting strength. New openings would be created which would require concrete lintels in order to maintain building stability. There may also be some alterations to the roof purlins to support the new roofing materials. Internal walls would also be introduced within and between the proposed residential units.

7. The works required to change the use of the building are fairly extensive and parts of the building would need to be replaced, such as the upper parts of perimeter walls and the roof. Paragraph Q.1 of the GPDO sets out that development under Class Q will not be permitted if, among other things, '*(i) the development 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)'.* Therefore, the extent of works required does not in itself lead to the conclusion that the scheme goes beyond the scope of permitted development beyond Class Q.

8. In this particular case it is necessary for new openings to be added in order to allow the building to satisfactorily function as a residential property as there are no suitable openings in the building at present. It could be argued that the building could be converted to a residential use without some of the other operations such as changing the cladding materials on the external walls and the roofing materials. However, the existing materials on the building are suitable for robust agricultural use rather than residential and would not appear to me to be suitable for use on residential properties. The proposed framed timber panels above the blockwork would be far more suitable for the proposed use. Therefore, taken as a whole I consider that the proposed works to the building are reasonably necessary for the change of use. The internal walls that would have to be created can also reasonably be expected to be required to convert an agricultural building to a residential use and such works would not require planning permission. As such they are not relevant to Class Q(b).

9. It is clear to me that it is not the intention of Class Q to include the construction of new structural elements. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be

considered to have the permitted development right. In this case the existing building is structurally sound and capable of taking the roof and other loadings associated with the proposal. I have no evidence to suggest otherwise and from my observations on site it seems to me that the building is in a sound condition.

10. I have noted the Council's reference to the 'Hibbitt 'case and that development under Class Q does not authorise the substantial demolition and reconstruction of an existing building, but I do not consider this would be the case with the current appeal proposal which as set out above is capable of conversion without substantial rebuilding.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed. Development under Class Q must be completed within a period of three years from the approved date above as specified by Paragraph Q.2(3) of the GPDO. Paragraph W (12) requires the development to be carried out in accordance with the approved details.

Alastair Phillips

INSPECTOR