



Appeal Decision

Site visit made on 21 November 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 December 2023

Appeal Ref: APP/W1145/W/23/3322446

Barn at Watertown Farm, Langtree, Great Torrington EX38 8NW

- 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 Mrs Claire Allan against the decision of Torrington District Council.
 - The application Ref 1/0082/2023/AGMB, dated 25 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is prior notification under Class Q for the conversion of an agricultural building into one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not provide a description of development, but instead refers to the information provided as part of the appellant's Planning Statement. I have therefore used the description provided in that document.

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

Reasons

4. The existing structure on the site is a simple agricultural barn, comprising corrugated metal cladding attached to a steel and timber frame with a sheet metal roof. The barn is entirely open on its eastern elevation.
5. Class Q(a) of the GPDO 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
6. GPDO Paragraph Q.1(i) indicates that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function

as a dwellinghouse. Furthermore, Planning Practice Guidance (PPG)¹ states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right.

7. In addition, the PPG specifically refers to the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)* (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
8. In this instance, the appellant has provided a structural survey (the survey) which was undertaken by Nova Surveyors in September 2022. The survey concludes that the barn is in good structural condition, and that the metal cladding and existing frame could be retained as part of a conversion. However, the appellant's appeal statement clarifies that some of the existing timbers, and parts of the metal cladding and roof, may need to be repaired to some degree. Indeed, during my site visit, I observed that parts of the wooden supports had decayed somewhat, and that the cladding had various gaps in it where metal sheets join together, meaning that the structure is not currently completely weatherproof. Furthermore, I noted that the metal frame appeared to be heavily rusted in certain areas.
9. Therefore, while the barn might be in good condition overall, and I therefore have no reason to dispute the findings of the survey, it is clear that some repair work to the structure would be required as part of the proposed development. From what I saw on my visit, I am not convinced that the totality of this work could be considered to be minor in nature.
10. In addition, section 3.1 of the survey sets out that new timber frame wall linings could be fitted onto the internal face of the existing frame, and that they would then be supported on a new concrete floor. The PPG identifies that it may be appropriate to undertake internal structural works including to allow for a floor. However, the need for a new concrete base to support the internal walls and new timber framework suggests that the current structure may not be capable of bearing the full load of the proposed works. In my view, this work would go beyond the simple provision of flooring.
11. I therefore conclude that the installation of the concrete floor, in combination with the works required to infill the open elevation, and to repair the existing frame, roof and cladding, go beyond building operations that are reasonably necessary for the building to function as a dwelling, and it cannot be concluded that the existing building is already suitable for conversion. Indeed, while the proposed dwelling would retain the general appearance of the existing barn, including the metal cladding, I am satisfied in this instance that, having regard to the Hibbitt case, the proposal would be more akin to a partial rebuild rather than a conversion.

¹ Paragraph: 105 Reference ID: 13-105-20180615

12. The Council has suggested that the proposed rooflights on the north-west elevation of the building would not conform with GPDO Paragraph Q.1(g) given that they would protrude slightly beyond the existing frame. However, the provision of windows is allowed during such works, and I do not consider that these rooflights would extend the external dimensions of the building. In any event, the appellant has submitted an amended plan as part of their appeal statement which shows windows that are flush to the existing exterior of the building.
13. Nevertheless, I am satisfied that the proposed development falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, the appeal is therefore dismissed.

C Butcher

INSPECTOR