



Appeal Decision

Site visit made on 17 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2020

Appeal Ref: APP/R3325/W/19/3242490

Former Piggery Building, Hazelhurst Farm, Windyridge Lane, Southill, Somerton, Somerset TA11 7JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015.
 - The appeal is made by Mrs J Dunlop against the decision of South Somerset District Council.
 - The application Ref 19/01609/PAMB, dated 3 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is notification for prior approval for the change of use of existing agricultural building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form did not include a description of development, referring only to an accompanying statement. I have therefore taken the description from the Council's decision notice.

Main Issues

3. The main issues are:
 - whether the location and siting of the building makes it impractical or undesirable to change it to a Class C3 dwellinghouse, in terms of the effect on the living conditions of future occupiers; and
 - whether the proposal under Class Q.1(i)(i) would consist of building operations that exceed those permitted as reasonably necessary for the buildings to function as dwellinghouses.

Reasons

Impractical or undesirable

4. Paragraph Q.2(2) of the GPDO requires prior approval of five matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; and (e) whether the location or siting of the building makes it otherwise impractical or undesirable to change from an agricultural use to a dwellinghouse.

5. The appeal application was submitted with plan Ref 1054:VP:OG:08, dated September 2018 (Existing site location plan and block plan) which shows a red line extending around the subject building and the neighbouring buildings to the south, south-east, south-west and north-west. Submitted plan Ref 1054:VP:OG:11 (Proposed site location plan and block plan), also dated September 2018, shows a red line surrounding the appeal building and its curtilage. On this plan, the blue line extends around a substantial area, encompassing buildings to the north, some of which are shown with a dashed line, presumably to be demolished. The blue line also erroneously cuts through the building to the south-west.
6. As part of the appeal, the appellant has submitted a hand-annotated plan with the appeal, Ref 1054:VP:OG:11 Rev A, which shows buildings to the north-west, south, south-east and south-west surrounding the appeal building, labelled A, B, C and D. The appeal statement indicates that a condition could be imposed to require the demolition of these buildings. This would remove likely sources of noise, odours and other disruptive activities from those buildings.
7. The appellant has also suggested that buildings further to the north within the appellant's control can be restricted to use for agricultural storage rather than for any purposes involving livestock. This suggested mitigation goes beyond that suggested by the Council but indicates that there is a wide degree of scope, utilising planning conditions, to control the potential impacts of the proposal on future occupiers.
8. It is clear that the buildings are in the control of the appellant and that there is no intention to reinstate agricultural activities within those buildings closest to the appeal site. On this basis and subject to the imposition of planning conditions as described above, I conclude that the location and siting of the appeal building would not make it impractical or undesirable for the proposed change of use to a Class C3 dwellinghouse in respect of the living conditions of future occupiers.

Extent of building operations

9. The building is a modest rectangular plan, single storey building largely constructed from timber. It has a concrete base, some low concrete block dwarf walls and an internal blockwork wall. Internally, there are some low block walls which would have enabled the containment of livestock.
10. The proposal would involve the retention of the dwarf walls, the timber roof trusses and frame and vast majority of vertical timber studs. Elements to be removed include the external timber cladding, the roof covering, all joinery, and internal blockwork wall. New timber walls would be replaced around the building and a new reinforced concrete floor would be laid. Ceiling joists would be suspended from new timber stud walls to provide lateral stability and the dwarf walls would need mechanical joints to address the shrinkage cracking issues.
11. The submitted letter from the structural engineer and addendum thereto, along with the Timber Condition Report, together highlight that the main four box frame trusses appear sound and that the 'vast majority' of timber studs could be serviceable for reuse. However, a lighter weight roof covering than the existing is recommended. The timber studs that were sufficiently exposed for

inspection have extensive wet rot decay and longstanding beetle infestation. Whilst treating these defects is a possibility, with the extent of rot present in many of the timbers, it appears more realistic that replacement would be more practical and preferable. It is claimed also that the wood beetle infestation could be addressed when the building envelope is converted and the environment much drier, but it raises the issue of whether such timbers are suitable or appropriate for reuse in a conversion, particularly when only a partial inspection has found such a degree of deterioration.

12. In my view, given the general condition of the building as a whole, the extent of works involved in replacing the components that are beyond repair or impractical for reuse, and other works to create a dwelling, go beyond what can be considered reasonably necessary for the building to function as a dwellinghouse. Whilst I acknowledge that the footings may be suitable for reuse, and that the reapplication of cladding would be a typical part of a refurbishment of a building, these elements in themselves do not suggest that there is a substantial enough building currently standing in a condition satisfactory to enable its conversion. The logical solution would be to remove and replace the building in its entirety, but that is not possible under Class Q.
13. I have been referred by the appellant to the Hibbitt¹ High Court judgement. That judgement upheld an inspector's Class Q decision which found that the reuse of a structurally sound steel frame but little else of that particular original building went beyond that reasonably necessary for the building to function as a dwelling. There are some parallels between this case and Hibbitt in relation to reuse of only minimal components of an existing building in their conversion to a dwelling. In this case, the reuse of the dwarf walls and footings, along with timber purlins and a modest number of vertical timbers, a high number of which need remedial treatment for rot and infestation, indicate that the appeal building is not capable of conversion to a residential use without comprehensive rebuilding work and the proposal therefore fails when considered against the relevant legislative provisions.
14. Accordingly, for the reasons set out above, this proposal would not meet the criteria set out in relation to Class Q.1(i)(i) and is not permitted development.

Conclusion

15. Although I have found that the use of the building for residential purposes would not be impractical or undesirable, it would consist of building operations that go beyond that reasonably necessary for it to function as a dwellinghouse, and therefore conflicts with Class Q.1(i)(i) of the GPDO. Therefore, the proposal is not permitted development but one for which an application for planning permission is required.
16. For the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR

¹ [Hibbitt and another v Secretary of State for Communities and Local Government and another \[2016\] EWHC 2853 \(Admin\)](#)