



Appeal Decision

Site visit made on 26 July 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/R3325/W/22/3293456

Agricultural Building at Maperton Farm, Maperton, Blackford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Hopkins Estates Ltd against the decision of South Somerset District Council.
 - The application Ref 21/03069/PAMB, dated 1 October 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the conversion of agricultural buildings to 4 residential dwellings (C3 use) under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (re-submission).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of the appeal, the appellant has provided amended plans clarifying the compass points of the proposed elevations. Given the small nature of the change, I do not consider that the interests of any party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans.

Background and Main Issue

3. Class Q of the General Permitted Development Order (GPDO) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building. The application includes details of both the change of use and the building operations proposed.
4. The main issue is whether the proposal complies with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

5. Paragraph Q1(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 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; and partial demolition to the extent reasonably necessary to carry out these building operations.

6. The Planning Practice Guidance (PPG) clarifies¹ that it may be appropriate to undertake internal structural works, including internal walls, which are not prohibited by Class Q. However, it also makes clear that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for conversion. It confirms that only where the existing building is already suitable for conversion to residential use would the building be considered to have the permitted development right.
7. The effect of wind loads on domestic coverings means that, to allow for residential use, new steel cross-bracing or structural walls would be required, as infills to the existing steel portal frames, to provide additional stability and to support new roof coverings. The additional stiffening required here may only amount to less than 5% of the extra steel weight, but the works would be extensive, with a new internal structural frame erected behind the retained exterior walls.
8. Further structural work may also be required, including underpinning and strengthening of the column foundations and bases, potentially using internal masonry panels built between the columns to provide sufficient dead weight. The degree of underpinning necessary is unclear on the evidence available to me, and so I cannot be sure what would be involved or the extent of these works. Whilst masonry panels may be required in any event to divide up the floorspace for use as a dwelling, these works all add to the level of structural intervention required. I note that some new exterior walling is also necessary, as is a new slab floor.
9. Taken together, the extent of work required to use the building for habitable accommodation would be significant. Considered against the advice in the PPG that the right only applies where the existing building is already suitable for conversion, I am not persuaded that it has sufficient structural capability or is already suitable for the proposed use. Whilst it could be made so, it is not currently capable and so does not benefit from the permitted development right.
10. As such, the works necessary would go beyond what can reasonably be described as a conversion and would amount to an extensive re-build. The proposal would not therefore comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

11. Representations have been made on other matters including the extent of the curtilage and demolition involved, and the external dimensions of the existing building. However, in light of my findings on the main issue, I do not need to consider these matters further.
12. Similarly, the acceptability of the proposal in terms of flooding, contamination, highway safety and its design and external appearance does not alter my conclusions on the main issue.

¹ Paragraph 105 Reference ID 13-105-20180615

Conclusion

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

O Marigold

INSPECTOR