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## Appeal Decision

Site visit made on 4 November 2015

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 06/01/2016**

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**Appeal Ref: APP/R3325/W/15/3119202**

**Stonegate Farmers Ltd., Portfield Lane, Curry Rivel, Langport TA10 0NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Gubblecote Property Ltd against the decision of South Somerset District Council.
  - The application Ref.14/05118/PAMB, dated 6 November 2014, was refused by notice dated 6 January 2015.
  - The development proposed is conversion of part of former poultry farm to form 3 no. dwelling houses that have a cumulative floor space of no more than 450 square metres.
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### Preliminary Matters

1. The originating application was made under the auspices of Part 3, Class MB, of the Town and Country Planning (General Permitted Development Order 1995 (as amended)). However, in April 2015, the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>1</sup> came into effect. It is against the provisions of Schedule 2, Part 3, Class Q of the 2015 Order that the appeal must be determined.
2. In the appeal documentation, the appellant requests that determination of the appeal be made on the basis of the scheme depicted on drawing 1716-021 B, submitted with it. I sought views on this matter from the main parties after the site visit was completed. Having considered the responses, I see that what this drawing shows is markedly different to the version of the drawing (1716-021 A) that the Council took its initial decision upon. In simple terms, version B shows the remainder of the building beyond the 450 square metres proposed for conversion removed, while version A shows much of it retained for storage, though the two smaller outlying buildings are shown to be removed.
3. I recognise that what is before me is not an appeal that follows a refusal of planning permission. However, the Council consulted on the originating application, and drawing 1716-021 A, and a number of representations were received as a result. It seems to me that were I to deal with the appeal on the basis of drawing 1716-021 B, there is a real danger that the interests of those contributors would be prejudiced. On that basis, I am proceeding on the basis of what is shown on drawing 1716-021 A.

### Decision

4. The appeal is dismissed.

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<sup>1</sup> Referred to hereafter as the 2015 Order

## **Main Issue**

5. This is whether the proposal is permitted development in accordance with the requirements of Part 3, Class Q of the 2015 Order.

## **Reasons**

6. Class Q of the 2015 Order defines 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 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule, as permitted development.
7. Under Q.1, the Order says that development is not permitted by Class Q if, of relevance here, (i) the development under Class Q(b) 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).
8. It is clear that what is proposed includes the raising of the internal floor level of the part of the building intended for conversion to 9.16m AOD. While, in normal parlance, such an alteration would not constitute development, it would without doubt, be a building operation. Most importantly in the context of the appeal, it would not be a building operation falling under the ambit of (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.
9. Moreover, as set out above the proposal includes the complete removal of two existing buildings on the site. That could be construed as partial demolition of the complex overall. However, the partial demolition proposed appears to be necessary to facilitate the construction of a raised external ground level to assist with emergency access/escape in case of flooding. That is not a building operation covered by Q.1(i)(i)(aa) or (bb) and as such, the partial demolition proposed does not accord with the requirements of Q.1(i)(ii).
10. For those reasons, the development proposed is not one that is permitted by Class Q of the 2015 Order. I recognise that the Council raised a series of other issues in relation to the scheme but given my findings above, there is no need for these to be explored.
11. For the reasons given above I conclude that the appeal should be dismissed.

**Paul Griffiths**

**INSPECTOR**