
Appeal Decision

Site visit made on 14 April 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 19 May 2016

Appeal Ref: APP/P3040/W/16/3142052

Building B, Kingston Brook Farm, Wymeswold Road, Thorpe-in-the-Glebe, Wysall, Nottingham, NG12 5QX

- 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 Nicholas Hibbitt against the decision of Rushcliffe Borough Council.
 - The application Ref 15/02539/PAQ, dated 12 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is change of use of agricultural building to dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application subject to this appeal was determined under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended), in which prior approval for the change of use of an agricultural building to a dwellinghouse was provided under Schedule 2, Part 3, Class Q. The submitted forms do not contain a description of development. Nevertheless, it is clear from the supporting information and the form used that the development proposed is a change of use of an agricultural building to that of a dwelling, with associated operational development. I have therefore adopted the description of development employed by the Council on the decision notice.

Main Issue

3. The application is made for the change of use of the building and for the building operations reasonably necessary to convert the building to a dwellinghouse. The Council consider the building is not capable of functioning as a dwelling and consequently the proposal would not constitute permitted development under the provision of Class Q. In order for me to determine the appeal I must therefore consider first whether the proposal satisfies the conditions, limitations and restrictions set out in Class Q and if so, whether it also satisfied the conditions specified in Part Q.2. Conditions (I). In particular, the Council have expressed concerns in relation to the practicality of the proposal given the use of nearby buildings.

4. Accordingly, the main issue for the appeal is whether the proposal is permitted development having regard to the change of use and whether the building operations are reasonably necessary to convert the building to residential use.

Reasons

5. The Council have confirmed that they consider the site and the building to be in agricultural use. Based on this evidence I must conclude that the requirements of Q.1. (a) are met with regard to the site being used solely for agricultural use as part of an established agricultural unit on 20 March 2013.
6. The building in question is an open sided steel framed structure with a monopitch roof. It has a concrete floor slab and 6 steel uprights which span to support a corrugated fibre roof, supported on timber crossbeams. It is open to two sides with a single skin steel panel to the rear and along part of one further side. This sits above a concrete panel to around a metre in height. The concrete panel does not appear to be attached to the floor slab.
7. The development right described in Part Q relates to conversion of a building. For that right to apply the building must first be capable of functioning as a dwelling. The appellant's submission describes how the steel frame, roof and floor slab would be retained and how structural infill panels (SIPs) would be used to construct walls and a ceiling within the existing frame. Steel box profile cladding, some of which is currently in place and would be reused, would be used to clad the front and sides along with the insertion of windows and doors. No details are provided of works to the floor.
8. *Planning Practice Guidance* (the PPG) refers to some building operations being permitted under Class Q (b), including the installation of windows, doors and exterior walls to the extent reasonably necessary for the building to function as a dwelling house. The PPG also states that "It is not the intention for the permitted development right to include the construction of new structural elements for the building. 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".
9. In this regard I have been provided with structural calculations to indicate that the steel frame is capable of taking the loading for the SIP panels. A construction detail also shows the existing frame would be used to support the panels and that these would not comprise structural elements in their own right. Calculations supplied by the appellant state that the existing pad foundations on site will need to be capable of taking the predicted loading of 1600 kN and states that the existing foundations are capable of taking the anticipated loading. The Council appear to dismiss out of hand the appellant's assessment of the structural capability of the frame, describing the building as lightweight. I have not been advised that the Council have carried out an assessment of the frame or viewed the foundations. As such, based on the information before me I have no firm basis to dispute the appellant's claim that they could use SIP panels to construct a dwelling using the existing frame.
10. Nevertheless, having regard to the extent of works necessary for the frame and fibre roof to function as a dwelling, a demonstration of the load bearing capacity of the frame alone is insufficient to meet the requirements of Part Q in this case. Although I accept that substantial works could fall under the scope

of Class Q, they nonetheless presuppose that the works comprise “conversion”. In this case, the building before me would not be capable of functioning as a dwelling without the building works outlined above which include the construction of all four exterior walls. This goes well beyond what could reasonably be described as conversion, and notwithstanding the reuse of the 6 steel uprights as the main structural element for the building, and the retention of the fibre roof, the works described would be so extensive as to comprise rebuilding. I must therefore conclude that the works necessary to create a dwelling from the structure on site would not fall within the scope of that permissible under Part Q. Accordingly, they would not be permitted development under Class Q(b).

11. I note the Council’s views as to whether the proximity of other agricultural buildings on site make it undesirable for the change of use to occur, However, as the proposal already fails for the reasons stated above, I have not considered it expedient to consider the matter in any further detail. I take into account the various letters in support of the application from some local residents. These do not alter the facts of the case outlined above. I also note the examples of other Prior Approval cases put forward by the appellant. I am not aware that these raise the same issues identified above and so cannot be assured that they are strictly comparable. In any case, they do not alter my reasoning above.
12. Therefore, for the reasons given above I conclude the appeal should be dismissed.

Anne Jordan

INSPECTOR