
Appeal Decision

Site visit made on 15 March 2016

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 29 April 2016

Appeal Ref: APP/L3245/W/15/3140757
Goose Hill, Bowbrook, Shrewsbury SY5 8PG

- 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 David Edwards against the decision of Shropshire Council.
 - The application Ref 15/04047/PMBPA, dated 17 September 2015, was refused by notice dated 16 November 2015.
 - The development proposed is conversion of existing agricultural buildings into 2 No dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application includes details of both the change of use and the building operations necessary to convert the buildings.

Main Issues

3. The main issues in this case are whether the proposal is permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) in terms of:
 - 1) Whether the building operations required for the change of use under the GPDO 2015 Schedule 2 Part 3 Class Q(a) can be regarded as reasonably necessary as defined by Q(b) and Q.1(i); and,
 - 2) Whether sufficient information has been provided under the GPDO 2015 Schedule 2 Part W(3)(b) to judge whether the building operations reasonably necessary to convert these buildings comply with the restrictions in place.

Reasons

Building operations

4. The appeal relates to two brick built barn structures which are sited on land adjacent to a private road to the south of Mytton Oak Road. Unit 1 (referred to as Building A in the Structural Appraisal submitted by the appellant) is a part single and part two storey building with a tiled roof. Unit 1 is currently extended to the south east by a timber framed partially collapsed former
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piggery, and sits adjacent to a Dutch barn constructed from corrugated metal. Both the former piggery and Dutch barn are excluded from this application. Unit 2 (referred to as Building D in the Structural Appraisal) is a separate single storey structure with a tiled roof.

5. Schedule 2, Part 3, Class Q of the GPDO 2015 states that development is classed as permitted development if it consists 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 Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to a number of restrictions as listed under paragraph Q.1 and to the conditions in paragraph Q.2.
6. The parties agree that the buildings would require some structural work for a residential conversion to be undertaken. In relation to the front north western section of Unit 1 this includes partially rebuilding the wall on the north western elevation, tying roof trusses and rafters to the walls, repair of the split truss to the two storey structure and removal of trees growing against the building and possible underpinning of the wall where trees are removed. The roof to the rear single storey south eastern section of Unit 1 has partially collapsed and would need to be replaced, and also the wall to the south west which currently adjoins the Dutch barn would need to be replaced.
7. The building operations allowed for such a conversion under the GPDO 2015 includes the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse, and also partial demolition to the extent reasonably necessary to carry out building operations. However, the National Planning Practice Guidance (the NPPG) at paragraph 105 (Reference ID: 13-105-20150305) makes it clear that it is not the intention of the permitted development right to include the construction of new structural elements for the building.
8. In this case the extent of the building operations proposed for the southern portion of Unit 1 in terms of the need for a new south western wall and roof amounts to the provision of new structural elements and reconstruction which goes beyond those building operations allowed by the GPDO 2015 and the NPPG. Therefore the building operations proposed for the change of use of Unit 1 under the GPDO 2015 Schedule 2 Part 3 Class Q(a) cannot in this case be regarded as reasonably necessary as defined by Q(b) and Q.1(i) and would not constitute permitted development.

Information provided

9. The Council has expressed concern that insufficient information has been provided in relation to the extent of the structural works required for the conversion. Specifically it states that the Structural Appraisal submitted by the appellant has recommended the very minimum requirements and that in practice it is highly likely that a conversion would exceed what is stated. Further, concern is expressed that information regarding the ability of Unit 1 to support the additional loading required for the first floor has not been provided.
10. The procedure for applications for prior approval under the GPDO 2015 Schedule 2 Part W(3)(b) states that the local planning authority may refuse an application where the developer has provided insufficient information to enable

the authority to establish whether the proposed development complies with any conditions, limitations or restrictions applicable to the development in question. In this case the concern is to identify the works reasonably necessary to convert the building.

11. In this case my view is that the Structural Appraisal has provided sufficient information to enable an assessment of the extent of the building operations which would be necessary to undertake the residential conversion. The need for new structural elements is identified. Whilst this may have focused on the minimum necessary interventions I consider that this has enabled a conclusion to be drawn in relation to Q(b) and Q.1(i).
12. I therefore consider that in this case sufficient information has been provided under the GPDO 2015 Schedule 2 Part W(3)(b) to judge whether the building operations proposed to convert these buildings comply with the restrictions in place.

Other Matter

13. I note the frustration of the appellant that this is the third application to be submitted in this case, and that inconsistent advice may have been given by the Council on this matter. However, the appeal before me relates to the current proposal and the Council's actual decision. I must determine the appeal on that basis.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

AJ Mageean

INSPECTOR