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# Appeal Decision

Site visit made on 26 April 2016

**by Roy Merrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 27 May 2016**

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**Appeal Ref: APP/L3245/W/16/3143625**

**Rowe Farm Barn, Rowe Farm, Rowe Lane, Welshampton, Ellesmere, Shropshire SY12 0QB**

- 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 Mr & Mrs Gerry & Rachel Mee against the decision of Shropshire Council.
  - The application Ref 15/02785/PMBPA, dated 19 June 2015, was refused by notice dated 12 August 2015.
  - The development proposed is application for Prior Approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for change of use from agricultural use to residential use.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. I have taken the description of development from that given on the Council's decision notice as acknowledged on the appellants' appeal form.

## Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2 Part 3 Class Q of the GPDO<sup>1</sup>.

## Reasons

4. Class Q makes it clear that certain building operations to the extent reasonably necessary for the building to function as a dwellinghouse are permissible. Operations subject to this proviso include the installation or replacement of windows, doors, roofs, or exterior walls and any partial demolition reasonably necessary to carry out such building operations.
5. The proposal would involve the retention of the existing steel building frame, and where possible the lower parts of the building elevations that are constructed in brick. The corrugated sheet cladding forming the upper parts of the elevations and fibre cement sheet roofing would be demolished and replaced. Both new and replacement windows, doors and exterior walls would

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015.

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- be installed. Whilst these works would be extensive they would fall within the aforementioned description of reasonably necessary building operations.
6. The Government's Planning Practice Guidance states that it is not the intention of the permitted development right to include new structural elements for the building<sup>2</sup>. Accordingly the proposal is to rely on the existing steel building frame, which the appellants consider to be strong enough to take the loading of the proposed external works. However, a structural report has not been provided by the appellants to verify this assertion.
  7. It would be reasonable to expect that the existing steel building frame would be capable of supporting replacement materials with the same or similar loading properties. For example, the appellant's statement refers to sheet roofing to be replaced with an equivalent lightweight sheet material.
  8. The proposal, however, also includes extensive replacement of corrugated sheet panels, which form the upper elevations of the building and in which there are significant gaps at present, with rendered walls. Whilst it is accepted that this work would be a reasonably necessary building operation, there is a lack of evidence to support the assertion that it would not result in a need for new structural elements. To seek further assurance about structural implications where a change of construction material is proposed so extensively, as in this case, would in my view be reasonable and necessary.
  9. I therefore consider that the absence of structural information conflicts with the requirement in paragraph W(3)(b) of Part 3 of the GPDO for a developer to provide sufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions. In this case the relevant limitation is that it is not the intention of the permitted development right to include new structural elements to the building. By implication such elements would fall outside the description of reasonably necessary building operations expressly permitted by Class Q. The development is not therefore permitted.
  10. I have considered the appeal decisions relating to other sites submitted by the appellants. However from the limited information I have been given, the circumstances of those cases appear to differ from the present appeal and accordingly I can give them little weight in my deliberations.
  11. The proposal is also to complete the ground floor concrete slab which at present covers only around half the floor area of the barn. This would constitute a building operation other than those specifically listed as permissible where reasonably necessary.
  12. In the appellants' view the completion of the ground floor slab would constitute an internal work that would be lawful under the provisions of section 55(2)(a) of the Town and Country Planning Act 1990. This part of the Act states that operations affecting only the interior of the building shall not be taken to involve development where they are for the purposes of maintenance, improvement or other alteration. I have not been provided with any information that would lead me to conclude that the completion of the internal concrete slab would not be exempt from the definition of development.

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<sup>2</sup> Paragraph: 105 Reference ID: 13-105-20150305

However this does not overcome my negative findings above regarding the sufficiency of supporting structural information.

13. As the development proposed is not permitted, there is no need for me to consider the specific conditions relating to this form of development as set out at paragraph Q.2.

**Conclusion**

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

*Roy Merrett*

INSPECTOR