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# Appeal Decision

Site visit made on 24 May 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: 16<sup>th</sup> June 2016**

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**Appeal Ref: APP/L3245/W/16/3142701**

**Bicton Lane Barn, Bicton Lane, Bicton, Shrewsbury**

- 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 M Bebb against the decision of Shropshire Council.
  - The application Ref 15/04264/PMBPA, dated 25 September 2015, was refused by notice dated 9 December 2015.
  - The development proposed described as an "application for prior approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 for the change of use from agricultural to residential use".
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The application includes information relating to both the change of use and the building operations necessary to convert the building. I have considered the appeal on this basis.

## 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 of this building 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 this building comply with the restrictions in place.

## Reasons

### *Building operations*

4. This appeal relates to a steel framed Dutch barn located adjacent to brick built converted barns and accessed directly off Bicton Lane. At the time of my site visit it was being used to store agricultural machinery and hay bales. The barn

is a large structure with part brick walling on its south and east elevations and grey metal sheet cladding covering the remainder of these walls, the west elevation and the roof. The northern elevation which faces onto the road is presently open. Whilst the main structure of the building is of significant height, a lower timber framed section spans the width of the eastern side and adjoins the main structure with a sloping metal sheet roof. There is a similarly sloping roof section extending out from the rear southern elevation.

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 proposal would retain the existing brick walling and extend this at the same height around the north and west elevations. The existing metal sheet cladding would be retained, where of a suitable standard, including the roof cladding. Damaged cladding would be replaced where required. The conversion would involve the insertion of walls, windows and doors to enable the building to function as a dwelling. The plans illustrate that a substantial two storey four bedroomed dwelling would be created, with a single storey flat roofed element across the eastern wing.
7. In this case it is clear that the building would require some new structural elements for it to function as a dwelling. Whilst the steel frame of the main structure and concrete base are in place, new brick walling including appropriate support would be required on the north and western elevations. The plans illustrate that a new roof would be required across the eastern wing. Whilst detailed information about the extent of repair and replacement required to the metal cladding has not been provided, it was clear from my site visit that the condition of this is on the whole poor and much would need to be replaced. As the building presently has no door or window openings these would be inserted on each elevation.
8. 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. However, the National Planning Practice Guidance (the NPPG) indicates that the permitted development right under Class Q assumes that the building is capable of functioning as a dwelling. At paragraph 105 (Reference ID: 13-105-20150305) the NPPG makes it clear that it is not the intention of the permitted development right to include the construction of new structural elements. Of concern in the present case is the extent of the new structural elements which would be required to undertake this conversion.
9. The appellant states that the existing structure of the building is in good condition and that there is no reason to believe that it is not structurally strong enough to take the additional loading associated with the proposed external works. Reference is made to other appeal decisions relating to similar cases in which the construction of new roofs and walls have been allowed as part of agricultural to residential conversions. In particular a decision involving the

retention of the steel frame of a building and the replacement of the existing roof and the addition of a wall is referenced<sup>1</sup>. However, whilst the specific circumstances of this case are not before me, I note reference to a structural survey which enabled a fuller appreciation of the extent of building operations required. Such a survey has not been supplied in the present case.

10. The appellant challenges the Council's concern about the ability of the building to take the loading which comes from the internal works which would be required. In this respect the appellant makes reference to the fact that building operations which effect only the interior of the building do not constitute development as defined by Section 55 (2)(a) of the Town and Country Planning Act 1990. Reference is also made to the NPPG at paragraph 105 which states that the existing building is required to be structurally strong enough to take the loading which comes with the *external works* to provide for residential use. I accept this point but reiterate that the concern in this case is the extent of the new external structural elements which would be required.
11. In this case I consider that the extent of the building operations proposed in terms of the northern and western elevations, the new roof to the eastern wing and the repair/replacement of the metal cladding amounts to the provision of new structural elements and reconstruction which goes beyond those building operations allowed by the GPDO 2015 and referred to in the NPPG. Therefore the building operations proposed for the change of use of this building 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*

12. The Council has expressed concern that insufficient information has been supplied in this case in relation to the extent of the structural works required for the conversion of this building. As noted above, it is clear that some structural works would be required in this case but information has not been submitted to demonstrate that these works would be reasonably within the scope of Class Q.(b) and Q.(i).
13. 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.
14. I noted on my site visit that the condition of some elements of this building, particularly the metal cladding, is poor. In the absence of a structural survey or appraisal it is not possible to make an informed assessment of the suitability of such a building for residential conversion.
15. I therefore consider that in this case insufficient information has been provided under the GPDO 2015 Schedule 2 Part W.(3)(b) to judge whether the building operations proposed to convert this building comply with the restrictions in place.

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<sup>1</sup> APP/A0665/W/15/3053054

**Conclusion**

16. In the light of my findings above, the question of whether prior approval should be granted having regard to paragraph Q.2. of the GPDO 2015 requires no further consideration.
17. For the reasons given above, having considered all other matters raised, I conclude that the appeal should be dismissed.

*AJ Mageean*

INSPECTOR