
Appeal Decision

Site visit made on 23 August 2016

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 2 September 2016

Appeal Ref: APP/L3245/W/16/3147786

Terrace Farm, Cruckton, Shrewsbury, Shropshire, SY5 8PR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant approval required under a development order.
 - The appeal is made by Mr A Gaskell against the decision of Shropshire Council.
 - The application Ref. 15/04208/PMBPA, dated 11 September 2015, was refused by notice dated 23 November 2015.
 - The development proposed is the change of use of an agricultural building to residential use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's refusal of the prior approval notification was sound.

Reasons

Background

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) sets out the classes of development that can be undertaken as 'permitted development' without further express consent. Schedule 2, Part 3 deals with permitted changes of use and Class 'Q' (a) allows the 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 (dwellinghouse). Further, Class 'Q' (b) also permits building operations reasonably required to convert the building to residential use.
 4. Part Q.1 of the Order sets out where such development is not permitted, and part Q.2 specifies conditions which include (1) a prior notification procedure and the specific aspects to be considered.
 5. In this case the Council does not take issue with any of these aspects and does not indicate that prior approval is required on this basis, but the Council takes issue with the nature of the proposed conversion and whether the extent of buildings operations exceed what is reasonably required to convert an agricultural building. It is also disputed that the building was solely in agricultural use at the time that the application was made.
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The proposal

6. The existing building is a large portal barn lying on the edge of a group of farm buildings. It has a steel frame with elevations mostly clad in single ply corrugated metal sheets on the lower part and the upper part is timber boarding fitted with gaps between the slats for ventilation. The roof is also of corrugated sheeting with roof lights. There are no windows in the building but there is a large cart door on one elevation and a smaller entrance door on another. It is proposed to convert the building to a dwelling with two levels of accommodation inside. The ground floor would contain a living room/kitchen/dining area; storage room; lounge; office; wash room and utility room; while on the upper floor there would four bedrooms and a bathroom.

Assessment

7. The national Planning Practice Guidance says (in paragraph 13-105-20150305) that the GPDO "recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted." Details of changes that are reasonably necessary are then listed. But the PPG goes on to say that "It is not the intention of 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."
8. The appellant's agent says that the conversion of the building will utilise the steel frame structure and make use of the metal sheet cladding where suitable for reuse. However, I note that the scheme involves the construction of new block walls at ground and first floor level on all four elevations of the building and that the existing timber boarding is shown to be replaced by new blockwork with an external cladding of corrugated metal. The whole of the existing roof is also proposed to be replaced with a new external material.
9. The appellant's agent says that the new blockwork walls are internal works which do not constitute development by virtue of s55(2)(a) of the Act. However, the submitted plans show new blockwork walls being formed around and between the vertical metal 'I' columns on each outside wall of the building. Even though this structure may have external lightweight cladding added, as a matter of fact and degree I find that these blockwork walls are external walls and not internal works such as those associated with the internal subdivision of the building.
10. It therefore appears to me that in order to make the building structurally sound for residential conversion, the existing external fabric of the building would have to be extensively replaced by new materials and have significant permanent structural support added to it.
11. In addition, I also have concerns whether the main steel frame comprising the external works of the building is capable of supporting a first floor throughout and the plans do not show how this would be achieved nor is there any proper structural assessment provided to show that the existing steel frame is strong enough to take the loading as mentioned in the PPG.

12. Overall, I conclude that the scale of building operations proposed and required to convert the building greatly exceed what is 'reasonably necessary' and would not result in a form of conversion as envisaged in the PPG.
13. The appellant's agents refers to two appeal decisions where it is said that significant building operations were allowed as part of a Class Q conversion scheme but from my reading of these cases, as detailed and specific matters of fact and degree, the inspectors weighed up the nature and scale of the work in relation to the test set out in the national guidance and reached a considered judgement. From the information set out in the decisions it does not appear to me that that the degree of structural change and additional work was similar to that proposed in this case.
14. The Council also raises concern as to whether the building was solely used for agricultural use within an established agricultural unit and makes reference to the building containing a touring caravan and a car at the time of the officer visit at application stage in October 2015. The appellant's agents states that the building is in use for the storage of agricultural products and farm machinery. At the time of my visit, the building contained a tractor, bales of hay, loose hay and various pieces of agricultural machinery. On the evidence submitted and my own observations I am satisfied that the building was in agricultural use as part of an established agricultural unit on the 23 March 2013 as specified in the GPDO, and at the time of the application, and the occasional storage of a car and touring caravan within the building do not result in clear evidence of a materially different use.

Conclusions

15. For the reasons given above I conclude that the Council's refusal to permit the proposed conversion as complying with the requirements of Part 3 Class Q of the GPDO was sound and accordingly the appeal should be dismissed.

David Murray

INSPECTOR