



Appeal Decision

Site visit made on 25 March 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2019

Appeal Ref: APP/L3245/W/18/3216271

Barn East of Northwood Villa, Ellesmere Lane, Northwood, Ellesmere, Shropshire SY12 0LU

- 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) Order 2015.
 - The appeal is made by Mr Paul Goulding against the decision of Shropshire Council.
 - The application Ref 18/01420/PMBPA, dated 22 March 2018, was refused by notice dated 15 May 2018.
 - The development proposed is for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use from agricultural to residential use at Barn East of Northwood Villa, Ellesmere Lane, Northwood, Ellesmere, Shropshire SY12 0LU in accordance with the details submitted pursuant to Schedule 2, Part 3, Class Q of the GPDO, subject to the following conditions:
 - 1) The development hereby permitted must be completed within a period of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250, Site Plan 1:500, Proposed Elevations, Proposed Floor Plan, Sectional Details and Survey.
 - 3) Prior to the first occupation of the hereby approved dwelling, details for the parking and turning of vehicles shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be maintained at all times for that purpose.
 - 4) Prior to the first occupation of the hereby approved dwelling, details of the improved layout and construction of the existing means of access, including sight lines and details of the disposal of highway surface water, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

- 5) Prior to the first occupation of the hereby approved dwelling, a scheme of foul drainage, and surface water drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the first occupation of the development.

Application for costs

2. An application for costs was made by Mr Paul Goulding against Shropshire Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description set out in the Council's decision notice as this accurately describes the proposed development.

Main Issue

4. The main issue in this appeal is whether the proposed change of use constitutes permitted development pursuant to Class Q of Part 3 of Schedule 2 to the GPDO, having regard to the extent of the works proposed, and the effect of the proposal on the appearance of the building.

Reasons

Extent of Works

5. Class Q.1 (i)(i) states that development is not permitted if it would consist of building operations other than the installation of windows, doors, roofs or exterior walls or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse. Planning Practice Guidance¹ (PPG) recognises that for a building to function as a dwelling some building operations which would affect the external appearance of the building should be permitted. It goes on to state that internal works are not generally development and for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. However, it is not the intention to include the construction of new structural elements for the building. The existing building should be structurally strong enough to take the loading which comes with the external works to provide for residential use. Consequently, it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide the residential use that the building would be considered to have the permitted development right.
6. There is no dispute between the parties that the existing building is structurally sound and in good condition. The existing steel frame, roof and concrete floor would be retained. Approximately 50% of the existing block walls would be removed due to the creation of new openings or replaced with timber cladding. The proposed timber cladding would be attached to a timber frame that would be affixed to the remaining block walls and the steel frame. The appellant confirms that the internal walls would be supported by the existing steel frame, blockwork and concrete floor.

¹ Paragraph: 105 Reference ID: 13-105-20180615

7. I acknowledge the Council's argument that the building is utilitarian and designed for housing cattle. That is the case for many agricultural buildings. The building is single-skin and therefore it is not unreasonable for works to be carried out to make the building weatherproof. The GPDO recognises this by allowing works to such buildings in order to convert them into dwellings. The Council also state that the building is not capable of functioning as a dwelling in its current state. However, it need not be. The GPDO permits reasonably necessary works to enable the building to function as a dwelling.
8. The proposal would involve the creation of the internal walls and the replacement of approximately 50% of the existing walls, which would be facilitated by the installation of a non-structural timber frame. I do not consider that these works go beyond what is reasonably necessary for the conversion of the building.
9. I find therefore that the appeal building is capable of conversion and the proposal would only consist of building operations reasonably necessary for the building to function as a dwellinghouse and therefore does not conflict with Class Q.1 (i)(i) of the GPDO.

Appearance

10. As I have found that the proposal would be permitted development, I now consider the prior approval matters. The Council raise no objection regarding transport and highways impacts of the development, noise impacts of the development, contamination risks on the site, flooding risks on the site, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Based on the evidence before me and the observations I made on site, I find no reason to conclude otherwise.
11. The existing building has concrete block and timber clad walls and a sheet clad roof. There are a number of openings, both large and small. The simple, utilitarian design and materials are typical of an agricultural building of this nature.
12. The proposal would create a number of new openings and utilise existing ones. Whilst some of these openings are large, they reflect the proportions of the building and the existing openings. I do not consider that the increase in the number of openings would detract from the agricultural appearance of the building.
13. Overall, whilst there would be a greater number of openings, some of which are larger than existing, I do not find that these would have a significantly harmful effect on the traditional agricultural appearance of the building, particularly as the existing roof and much of the blockwork would be retained and new timber cladding would be installed.

Other Matters

14. The appellant has referred me to a recent prior approval application that was refused by the Council for a similar proposal for the conversion of the appeal building. However, as I have found that proposal that is the subject of this appeal is acceptable, the scheme referred to me has had no bearing on my decision.

15. Furthermore, I have had regard to the recent scheme approved by the Council at Barns Farm. I note that there are some similarities with the proposal before me regarding the construction of the building. However, I have determined the appeal based on its own individual merits.

Conditions

16. I have imposed conditions to ensure that, in accordance with the GPDO, development must be carried out within three years from the date of this decision and in compliance with the approved plans.

17. In the interests of highway safety, conditions are necessary regarding parking and turning provision and means of access. Furthermore, in the interests of public health and flooding, a condition is necessary regarding drainage. The Council suggests that the conditions regarding these matters should be pre-commencement conditions. However, I find no reason why works cannot commence on the conversion of the building prior to these details being agreed.

Conclusion

18. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR