



Appeal Decision

Site visit made on 13 January 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2021

Appeal Ref: APP/L3245/W/20/3259729

Terrace Farm, Cruckton, Shrewsbury, SY5 8PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
 - The appeal is made by Mr Gaskell against the decision of Shropshire Council.
 - The application Ref 20/02036/PMBPA, dated 25 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is change of use and conversion of building to 1 dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal building has been subject to a previous dismissed appeal decision¹ that also related to a proposal under Schedule 2, Part 3, Class Q of the GPDO. Given the similarities between that scheme and the current appeal proposal, I attach significant weight to the previous Inspector's findings.

Main Issues

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to:
 - (a) Whether the proposed works to the building go beyond those permitted under Class Qand, if that condition is met;
 - (b) The effect of the proposed design and external appearance of the building on the character and appearance of the area.

Reasons

Extent of the proposed works

4. Class Q of the GPDO allows for a change of use of a building, and any land within its curtilage, from an agricultural use to a dwellinghouse including building operations reasonably necessary to convert the building. However,

¹ APP/L3245/W/16/3147786

Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

5. Planning Practice Guidance ('PPG') provides further clarification in this regard. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Accordingly, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right².
6. The appeal building is a steel framed structure that is currently used for agricultural purposes. There is no floor slab throughout the majority of the building with the exception of a small area in the southwest corner. Its roof and external walls consist mainly of corrugated metal sheeting, supported by timber purlins and side rails. Overall, it is a relatively lightweight and insubstantial structure.
7. The development would involve the installation of a new reinforced floor, and new external walls set between the vertical steel 'I' columns, which would become external features. All that would remain of the pre-existing building would be the steel supporting structure, and the corrugated sheet metal roof which would be externally clad in Zinc. In this regard, the extent of the proposed works would be significant, and they would amount to a substantial re-building of the pre-existing structure. This would effectively create a new building rather than constituting a 'conversion'. In coming to that view, I have been mindful of the High Court Judgement in the case of *Hibbitt v SSCLG* (2016) EWHC (Admin).
8. It is asserted that all of the proposed works would be internal and would therefore not constitute development by virtue of s55(2)(a) of the Town and Country Planning Act 1990. However, the submitted plans show that the new external brickwork and metal cladding walls would form the external walls of the building. Accordingly, they would not constitute internal works. I further note that the previous Inspector came to a similar view on this matter.
9. My attention has been drawn to an approval granted by the Council under Class Q in Shoot Hill (Ref 16/05259/PMBPA). However, the full details of that case are not before me, including the Officer Report and any supporting structural survey. I am therefore unable to assess any direct comparability to the current appeal proposal. In any case, I have come to my own view on this matter rather than relying on the approach the Council may have taken elsewhere.
10. For the above reasons, I conclude that the extent of the proposed works to the building go beyond those permitted under Class Q. The proposal would therefore not be permitted development.

Design and external appearance

11. Paragraph Q.2.(1) of the GPDO states that where a proposal is permitted development, prior approval will be required for a number of matters. One such matter is the design or external appearance of the building. However, as I have found that the proposal would not be permitted development, it is unnecessary to make a determination on the prior approval matters.

² Paragraph 13-105-20180615

Other Matter

12. A structural report has been submitted which concludes that the appeal building is in good structural condition and can be converted into residential accommodation without affecting the primary structure to the building. However, that does not alter my view that the proposed works would go beyond those permitted under Class Q.

Conclusion

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

Thomas Hatfield

INSPECTOR