



---

## Appeal Decision

Site visit made on 18 May 2021

**by Thomas Hatfield BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> July 2021**

---

**Appeal Ref: APP/L3245/W/21/3268782**

**Little Ropes, Hinstock Church to Ellerton Junction, Church Street, Hinstock, TF9 2NH**

- 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 GDPO').
  - The appeal is made by Mr Paul Rose against the decision of Shropshire Council.
  - The application Ref 20/03367/PMBPA, dated 19 August 2020, was refused by notice dated 13 October 2020.
  - 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 the change of use from agricultural to one residential property.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. No description of development is provided on the application form. Accordingly, the description given above is taken from the Decision Notice.
3. The Council's Development Management Report states that the proposal does not comply with the nationally described space standard in relation to 2 of the proposed bedrooms. However, minor revisions have been proposed to the internal layout that would address this matter. The Council has had the opportunity to comment on these revisions through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of them. I have therefore determined the appeal based on that basis.

### Main Issues

4. The main issue is whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with particular regard to:
  - (a) Whether the proposal would result in the external dimensions of the building extending beyond those of the existing building;
  - (b) Whether the extent of the proposed works to the building go beyond those permitted under Class Q;
  - (c) Whether the site was used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013;and, if those conditions are met;

- (d) The effect of the proposed design and external appearance of the building on the character and appearance of the area; and
- (e) The effect of the proposal on the living conditions of future occupiers with regard to the provision of outdoor amenity space and parking.

## Reasons

### *External dimensions*

- 5. Paragraph Q.1. (h) of the GPDO states that development is not permitted by Class Q if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.
- 6. In this case, it is proposed to clad the existing building in render and cedar cladding. Whilst only limited detail has been provided regarding these finishes, it is clear that they would extend out beyond the external walls of the building. In this regard, Paragraph Q.1. (h) is clear that development is not permitted by Class Q if it would extend beyond the external dimensions of the existing building at any given point (my emphasis). That would clearly be the case here. Given the wording of Paragraph Q.1. (h), I also do not accept that this requirement relates solely to the provision of additional floorspace.
- 7. My attention has been drawn to an allowed appeal decision<sup>1</sup> elsewhere in Shropshire that involved the introduction of rendering and Yorkshire Boarding to a proposal approved under Class Q. However, the drawings associated with that scheme and details of the external finishes have not been submitted. It is therefore unclear whether there is any direct comparability to the current appeal proposal. Accordingly, I have come to my own view on this matter based on the information that is before me.
- 8. I conclude that the proposal would result in the external dimensions of the building extending beyond those of the existing building. The proposal would therefore not be permitted development under Class Q in this respect.

### *Extent of the proposed works*

- 9. 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 dwelling, including building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.
- 10. In this case, the appeal building consists of a single storey blockwork structure with a shallow pitched sheet metal roof. It is a relatively substantial structure, and the proposal would retain the existing blockwork walls and foundations. I further note that the submitted Structural Report<sup>2</sup> concludes that the block walls "*are in a sound structural condition*" and that "*the existing block structure can be used for conversion under Class Q PD rights without major structural works being undertaken*".
- 11. The proposal would replace the existing roof and supporting timbers, reinforce the existing floor, and introduce a series of window and door openings. In this regard, Paragraph Q.1. (i) allows for the installation or replacement of

---

<sup>1</sup> APP/L325/W/15/3132010

<sup>2</sup> AEC (29 July 2020)

windows, doors, roofs, or exterior walls. In my view, the proposed works are reasonably necessary to convert the building and would not go beyond that which is permitted under Class Q. Moreover, the proposed internal works do not comprise development as per s55(2) of the Town and Country Planning Act 1990 (as amended).

12. For the above reasons, I conclude that the extent of the proposed works to the building do not go beyond those permitted under Class Q. The proposal would therefore be permitted development in this respect.

*Sole agricultural use on 20<sup>th</sup> March 2013*

13. Paragraph Q.1. (a) of the GPDO states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013. In this regard, Paragraph X defines an "*agricultural building*" as one used for agriculture for the purposes of a trade or business. However, Paragraph X does not require the agricultural holding to be the sole or main source of income for the operator.
14. In this case, accounts have been submitted that show turkeys being sold on a commercial basis. Moreover, a series of receipts and invoices have been submitted for the purchase of turkey poults, and items such as straw bales and feed, with the appeal building given as the delivery address. Moreover, these receipts/invoices are dated to 2012 and 2013. In my view, this provides sufficient evidence to demonstrate that the appeal building was being used for an agricultural purpose on the required date.
15. Separately, it is asserted that the appeal building is used for domestic storage purposes, and a number of photographs have been submitted in support of this contention. However, the majority of these show only filtered or partial views of the building, and its use in these images is unclear. Whilst one photograph appears to show a caravan parked within the building, it is common ground that it was taken several years before 20<sup>th</sup> March 2013.
16. I further note that the appeal building has been altered in recent years. However, evidence has been submitted that these works took place in either 2008 or 2009, and so the proposal would accord Paragraph Q.1. (g) of the GPDO in this regard.
17. For the above reasons, and on the balance of probabilities, I conclude that the site was used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013. The proposal would therefore be permitted development under Class Q in this respect.

*Prior approval matters*

18. As I have found that the proposal would not be permitted development in relation to its external dimensions, it is unnecessary for me to make a determination on the prior approval matters.

**Conclusion**

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

*Thomas Hatfield*

INSPECTOR