



Appeal Decision

Site visit made on 28 March 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/L3245/W/22/3309699

Agricultural Buildings at Catstree, Bridgnorth, Shropshire WV15 5JY

- 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(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Graeme Manton, Apley Estate, against the decision of Shropshire Council.
 - The application Ref 22/03008/PMBPA, dated 27 June 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described as '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 form two residential units'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development falls within the terms of the permitted development rights under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with specific regard to the extent of physical works proposed; and
 - if so, whether prior approval should be granted in respect of the noise impacts of the development, contamination 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.

Reasons

Whether the proposal would be permitted development

3. The permitted development right under Article 3(1), Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to enable the conversion, subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
4. This appeal concerns three agricultural buildings arranged around a central courtyard within a wider farmstead. The buildings are constructed of a mix of

steel and timber frames, with corrugated sheeting to their roofs and masonry, brick and corrugated sheet elevations. They largely overlap one another in terms of their siting and layout, thus resulting in some sides remaining open to the adjacent barns and thus effectively creating one large footprint. There are no floor slabs within any building.

5. Paragraph 105 of the Planning Practice Guidance (PPG) states that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The right permits buildings operations which are reasonably necessary to convert the building, which may include the installation or replacement of windows, doors, roofs and exterior walls.
6. To achieve the proposed conversion to two residential dwellings the buildings would require various alterations, to include the introduction of floor slabs, exterior walls, windows and a new roof. I acknowledge that much of this work may amount to building operations reasonably necessary to convert the building so as to function as a dwellinghouse.
7. However, the PPG goes on to state 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. Therefore, 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 right.
8. Further to the provision of exterior walls where currently there are none, the proposal also includes demolition of the buildings to create courtyard and entrance spaces. Whilst partial demolition to carry out reasonably necessary building operations is encompassed by the right under Class Q, in this case the extent of demolition would be substantial and would also require the further introduction of extensive sections of new external walls.
9. I note the Structural Examination¹ identified that the barns were of reasonable condition and could be converted into residential accommodation with some strengthening works and minor repairs. The works to the roof structure would include strengthening of the trusses, rafters, purlins and columns. The detail surrounding the required strengthening works is further expanded upon in the Shire Consulting Rebuttal Note (September 2022) and associated documentation.
10. However, even if the strengthening works are minor in nature when considered in isolation, and whilst perimeter walls may remain, it seems to me that the frame of the existing buildings is nevertheless insufficient to bear the load of the proposed development. Further, as noted above, there would be extensive demolition and subsequent alteration to the layout of the buildings and their roof structure, so much so that the proposed development would no longer reflect the original form or layout of the existing buildings.
11. Taking these factors together leads me to conclude that the original collection of buildings is not already suitable for conversion to residential use as they only provide a modest amount of help for the proposal. The totality of works required goes well beyond what could be described as a conversion but rather is tantamount to a fresh build, as per Hibbitt². The proposal therefore fails to

¹ Report on Structural Examination, Shire Consulting, Document: S-22-249-S1-2, June 2022

² Hibbitt and Another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough

fall within the terms of the permitted development rights under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO.

12. My attention has been drawn to other structural reports for developments in Shropshire which appear to have been considered against Class Q of the GPDO. However, based on this very limited information alone, I cannot make a fully reasoned comparison between the examples and the appeal proposal. Moreover, each case is determined on its own merits having regard to the particular set of circumstances.

Prior approval matters

13. Given my findings above, which lead me to dismiss the appeal, there is no need for me to go on to consider the prior approval matters subject of this appeal or the evidence submitted in support of these matters.

Conclusion

14. For the reasons set out above, and taking all other matters raised into account, I conclude that the proposal would not comply with the description of permitted development under the provisions of Class Q and therefore the appeal should be dismissed.

H Ellison

INSPECTOR