



Appeal Decision

Site visits made on 7 July and 16 August 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2022

Appeal Ref: APP/X1118/W/22/3292575

Garliford Barn, Garliford Lane, Bish Mill, South Molton EX36 3QX

- 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) (England) Order 2015.
 - The appeal is made by Mr Andrew Rowe against the decision of North Devon District Council.
 - The application Ref 74194, dated 8 October 2021, was refused by notice dated 1 February 2022.
 - The development proposed is prior approval for a change of use of agricultural barn to dwelling (class Q).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice as it more concisely describes the proposal.

Main Issue

3. In view of the above, the main issue is whether the proposal under Class Q.1(i)(i) would consist of building operations that exceed those permitted as reasonably necessary for the building to function as a dwellinghouse.

Reasons

4. Class Q(a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a).
5. Where development is proposed under Class Q(a) together with Class Q(b), and found to be permitted development, it is subject to the condition under paragraph Q.2(1) that before beginning the development, an application must be made to the Local Planning Authority for a determination as to whether the prior approval will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building.

6. The Council contends that the building works proposed to facilitate the residential use would fail to comply with the limitations set out in paragraph Q.1(i)(i) of the GPDO.
7. The appeal building is a long, narrow, steel portal framed building with a curved roof. Its sides are formed from steel sheeting, internally supported by its steel frame and timber sheeting rails. It stands on a concrete base which appears relatively recent. It has no openings in its side or rear, but the front is formed from a timber structure, which includes double doors. This feature is allegedly structurally independent of the main barn, having been added at an unspecified "*more recent*" time into what was, presumably, an open side of the barn.
8. The building presently has a concrete floor, fully enclosed sides and a roof. The structural report refers to the concrete floor as "*relatively modern*" but notes that it has a fairly uniform slope down towards the south, extrapolated to a gradient figure of around 1 in 45 across the building's width. The proposal is to create a dwelling within the building, essentially using this concrete floor base onto which an internal timber frame structure offering two levels of accommodation would be added. This internal structure would be tied to the existing steel frames and external steel sheeting where such elements are capable of being retained, essentially as an external shell. The submitted structural report confirms that the "*existing steel structure will not provide any vertical or lateral support to [any of the] new internal elements*".
9. Starting with first principles, the Planning Practice Guidance (PPG)¹ sets out that: "*...the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building...*". "*...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 [it] would be considered to have the permitted development right*".
10. The structural report indicates that "*the existing steel frame will remain, aside from the elements of replacement, where reasonably necessary. The external cladding will be retained where feasible and replaced where required on a like-for-like basis, other than a number of new door and window openings to allow the building to function as a dwelling and incorporate sufficient levels of light*". Similar conclusions are drawn in relation to the roof structure.
11. From my own observations, there are substantial areas of corrosion on the existing steel frame, particularly in the upper parts and roof area which were visible from ground level. The extent of corrosion appears to be underplayed in the structural report where it states that "*...areas of corrosion to the structural frame will be addressed by a combination of shot blasting, treatment and repainting of sound steel, and the renewal of those elements found to be beyond reasonable economic repair*". I consider that a vast amount of repair or replacement work would be necessary just to enable the retention of the existing structure as a non-structural outer shell of the new dwelling.

¹ Paragraph: 105 Reference ID: 13-105-20180615 as updated in 2018

12. In respect of the sheeting which currently serves as the walls and roof of the building, it is stated that it will be retained where feasible and replaced on a like for like basis where not fit for purpose, along with the associated sheeting rails and purlins. From my observations, retention of any of these features would be highly unlikely in practical, aesthetic or economic terms.
13. Despite that the basis for the structural integrity of the resultant building relies largely on the concrete base and the foundations, little is offered in the way of evidence about the foundation suitability. Whilst it is alleged that the additional loading associated with an internal independent structure is unlikely to result in a significant increase in foundation bearing pressure, this is only qualified in broad terms and despite the claims to the contrary, I regard that the strengthening or correction of any foundation or floor would add works that would constitute a rebuild as opposed to a conversion.
14. Overall, from my reading of the evidence and own observations, the reliance on such minimal components of the building, the inevitable need for such a large number of them to be replaced, or at least heavily repaired, results in the failure of this proposal to demonstrate compliance with the GPDO. The building is incapable of functioning as a dwelling because the totality of works proposed would far exceed a conversion.
15. I distinguish this case from the other appeal cases put to me by the appellant² as the building's age, condition, supporting structural report and the nature of the proposals, specifically about the certainty and suitability of reuse of certain components, differ from those cases.
16. I therefore find that the proposal would not accord with the requirements of paragraph Q.1(i)(i) of the GPDO.

Conclusion

17. For the reasons given above, I conclude that the proposal is not permitted development and that the appeal should be dismissed.

Hollie Nicholls

INSPECTOR

² Including appeal Refs: APP/Q3305/W/21/3258069, APP/N4720/W/19/3219850, APP/A2480/W/20/3262931 and APP/W3330/W/21/3268761