The Planning Inspectorate

Appeal Decision

Site visit made on 19 July 2017

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2017

Appeal Ref: APP/A2525/W/17/3167955
Ash Tree Farm, Lambert Bank, Gedney Hill, Lincolnshire PE12 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under 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 and Mrs J Ling against the decision of South Holland District Council.
- The application Ref H05-0754-16, dated 26 July 2016, was refused by notice dated 26 September 2016.
- The development proposed is the change of use of agricultural building to a dwelling.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural building to a dwelling at Ash Tree Farm, Lambert Bank, Gedney Hill, Lincolnshire PE12 0PR in accordance with the terms of the application Ref H05-0754-16, dated 26 July 2016, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with approved plan reference APP/LP01.

    2) Notwithstanding the approved plan, no development shall commence until details/samples of the design, finish and materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

Main Issue

2. The main issue is whether the proposed development 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.

Reasons

3. The appeal building is a detached modern single storey agricultural storage building. It has a concrete pad which makes up the floor. Four pairs of upright steel stanchions and the same number of diagonal steels form the building's frame, supporting the walls and roof respectively. The walls are clad in thin

metal profile sheet which is bolted to the frame and the roof is fibre cement sheet. The roof is further supported by five full length additional steels, two either side and one at the apex. These are also attached to the remainder of the building's frame.

4. Paragraph 105 of Planning Practice Guidance refers to the assumption of Class Q that the agricultural building is capable of functioning as a dwelling. Recognising however that for this to be possible some building operations which would affect its external appearance, which would otherwise require planning permission, should be permitted. This may allow such things as replacement windows and doors, roofs, exterior walls and connection of utilities. Making it clear that such is to an extent reasonably necessary for the building to function as a dwelling house.

5. As well as this reasonably necessary to function test, it has been established that it is not the intention of Class Q to include the construction of new structural elements which is where the proverbial line in the sand appears to be drawn. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

6. With regard to the appeal building, taking into account its relative age, method of construction and condition as I observed it, it is structurally sound. There would likely be areas of the wall cladding that would require opening up to provide for windows and doors but this is explicitly mentioned as being an acceptable type of work by Class Q. Other works proposed could be described as substantial, but I cannot see any part which could be legitimately argued as being a new structural element. Further, the works would most likely be within the existing structure and attached to or incorporating the existing roof and wall coverings. The stanchions, the roof supports, the floor and the cladding would all form integral elements of what would eventually become the dwelling.

7. Class Q does not place a ceiling on the amount of building works that it allows and on the basis of the evidence before me and my findings, and whilst there may be a lot of it required, insulation works would be necessary to make a thin metal profile sheet wall able to function as a wall that would be acceptable around a dwelling.

Conditions

8. For certainty, I have set out the approved plans as there are two which are part of the appeal documentation. Both show the building and curtilage in the same place but the plan I have referred to above is a clearer version. It would not be appropriate to require that development is commenced within a specified period given the provisions of Schedule 2, Part 3, Class Q, paragraph Q.2 (3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As it is not precise in the details that have been submitted, and to ensure an appropriate external appearance to the proposed development, I have set out that the design, finish and materials to be used in the construction of the external surfaces of the development should be agreed. Given the nature of this requirement, it would be necessary to be agreed prior to the commencement of development.

Conclusion

9. It is a matter of works that are undertaken to facilitate a function change that infers how far they are permitted to go under the auspices of Class Q and this will vary in each case. Further, Class Q does not rule out the change of use of non-traditional agricultural buildings. Taking into account all of the above, I am satisfied that it has been adequately demonstrated in this particular case that the the proposed development would not consist of building operations more extensive than those specified, importantly, to the extent reasonably necessary for the building to function as a dwellinghouse.

10. As such, and subject to the conditions set out above, the appeal is allowed.

John Morrison

INSPECTOR