



Appeal Decision

Site visit made on 1 August 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 22 August 2017

Appeal Ref: APP/T2350/W/17/3175153

Ribble View Barn, Alston Lane, Longridge, Preston, Lancashire PR3 3BN

- 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 Mrs Christine Cross against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0272, dated 17 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed is the change of use from agricultural building to a dwellinghouse with associated operational development (part a and b).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As the application did not contain a reasonably succinct description of the proposed development I have used the description provided on the Council's Decision Notice.
3. Prior approval was granted on 22 December 2016 for the conversion of the appeal building to a dwellinghouse pursuant to Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Ref 3/2016/1042) only. The Council suggest that the prior approval granted did not provide for the undertaking of building operations reasonably necessary to convert the building which would otherwise have been permitted under Class Q (b). As there is no provision for the submission of an application solely in respect of Class Q (b), the application before me sought prior approval pursuant to Class Q (a and b).
4. Where development is proposed under Class Q(a) together with Class Q(b), as in this instance, paragraph Q.2(1) indicates that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location and siting, and (f) the design or external appearance of the building.
5. The Council has determined that prior approval will not be required in respect of the matters prescribed in paragraph Q.2(1)(a to e). However, the Council consider that the external appearance of the building as prescribed in

paragraph Q.2(1)(f) would cause harm to the character and appearance of the surrounding area. In addition, the Council considers that the extent of the proposed building operations go beyond those that are reasonably necessary to convert the building and therefore would not meet the test set out in paragraph Q.1(i).

6. I have therefore considered the appeal on the basis that it seeks prior approval for development under Class Q (a) (use) and (b) (building operations) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Main Issue

7. The main issue is whether the criteria set out in Q.1 (a – m) of Schedule 2, Part 3, Class Q of the GPDO would be met, and if so, whether the conditions set out in Q.2.Conditions (a to f) would be satisfied.

Reasons

8. On the basis of the evidence before me I have no reason to conclude differently to the Council that the proposal would satisfy the criteria set out in Q.1 (a to h) and Q.1 (j to m). The primary area of dispute between the parties concerns the extent of building operations proposed and whether or not these would meet the criteria of Q.1 (i) which, amongst other matters, states that development is not permitted under Class Q (b) of the GPDO if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, to the extent reasonably necessary to allow the building to function as a dwellinghouse.
9. Paragraph 105 of the Planning Practice Guidance (PPG) on permitted development provides guidance in this respect. It states that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling and that it is not the intention of the right to include the construction of new structural elements of the building. It goes on to say that 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.
10. In this particular case, the appeal building is steel portal framed with metal cladding to the sides above blockwork walls and has a profiled roof supported on timber purlins and rails. At my site visit I observed that the floor is a mixture of hardcore and concrete. The blockwork walls appear to have been built in stages and construction and quality of the block work is poor with several portions subject to cracking.
11. The submitted structural report identifies that the steel portal frames are sufficiently robust to withstand the load of the proposed artificial slate roof. However, the existing timber purlins and rails would be required to be replaced. The proposed conversion works would also involve the removal of the side walls, floor and roof and their replacement with new stone and timber clad external walling and internal masonry walling. From my observations on site, it is clear to me that without such extensive building works the existing building would not be capable as functioning as a dwelling.
12. The Council's Building Control Officer suggests that the new stone walls would be likely to require new foundations. I have no other evidence to suggest that

the existing blockwork walls have foundations that are capable of being used to support the load of the proposed side walls. Thus, whether the foundations are structurally strong enough to support the new walls has not been demonstrated.

13. The extent of the works proposed would effectively mean that only the steel portal frames of the existing barn would remain with all other components of the proposed dwelling comprising new construction with the need for new foundations having not been demonstrated. Consequently, I agree with the Council that the extent of works proposed in order to convert the building would be tantamount to the construction of a new building. At the very least, the work necessary to enable the remaining portal frame to be used as a dwellinghouse would involve significant and extensive rebuilding.
14. Thus, having regard to the advice in the PPG, the extent and type of building operations necessary would far exceed those that can be considered reasonably necessary to convert the building as prescribed in the GPDO. Accordingly, for these reasons, I am not satisfied that the development proposed would meet the criteria of Class Q (b) and, as such, I conclude that the proposal is not permitted development. Consequently, the proposal is development for which an application for planning permission is required.
15. Given this finding, it is not necessary to consider, as part of this appeal, the various matters to be assessed in relation to the development, as set out in Q.2.Conditions (a to f) of the GPDO.

Conclusion

16. The proposal would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO and therefore is not development permitted by it. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR