



Appeal Decision

Site visit made on 21 March 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **21 April 2023**

Appeal Ref: APP/D0840/W/22/3306539

Wringworthy Farm, A387 Between Junction South West of Venton Vanes and the B3254 at Lime Kiln, Morval PL13 1PR

- 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 (GPDO).
 - The appeal is made by Mr and Mrs M Spencer against the decision of Cornwall Council.
 - The application Ref PA22/05500, dated 13 June 2022, was refused by notice dated 4 August 2022.
 - The development proposed is change of use of an agricultural building to a dwelling.
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Decision

1. The appeal is allowed and prior approval is granted for change of use of an agricultural building to a dwelling at Wringworthy Farm, A387 Between Junction South West of Venton Vanes and the B3254 at Lime Kiln, Morval PL13 1PR in accordance with the terms of the application, Ref PA22/05500, dated 13 June 2022, subject to conditions set out by paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision, as well as the provisions specified in paragraph W.

Preliminary Matters

2. Given the lack of description of the proposal provided on the application form, the description of development shown above in the banner heading is taken from the application planning statement.

Background and Main Issue

3. Schedule 2, Part 3, Class Q of the GPDO permits (a) the change of use of an agricultural building to residential use; or (b) the change of use together with building operations reasonably necessary to convert the building. In this case, both change of use and building operations to convert the building in question are proposed. The main parties disagree as to whether the scope of the building operations proposed would constitute a conversion of the building, and therefore, whether it would fall within the scope of the development permitted by Class Q(b).
4. The Council does not dispute that the proposal is acceptable with respect to the other matters required to be satisfied under paragraph Q.1, or those under paragraph Q.2.

5. Therefore, the main issue is whether the proposal would consist of building operations that exceed those permitted as reasonably necessary to facilitate the change of use of the building to a dwellinghouse, and as such whether the proposal falls within the scope of a conversion.

Reasons

6. The appeal building is a steel portal framed, open fronted structure featuring externally clad walls on three sides with box profile metal sheeting, and a pitched, corrugated sheeting clad roof. The proposal would see the retention of the existing building frame and a significant amount of existing cladding in front of new internal insulated walls.
7. Paragraph Q.1(i) of the GPDO permits the installation or replacement of windows, doors, roofs, or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG) provides further guidance in this regard, establishing 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. The Council raises concerns that the cumulative nature of the proposed works to facilitate the change of use goes beyond a conversion and would amount to a rebuilding of the building. Furthermore, the Council has cited concerns that the information provided shows limited detail of the proposed works and lacks clarity on the proposed method of construction.
9. A Schedule of Works and Structural Appraisal (SWSA) and a Structural Inspection (SI) accompanied the application. The SWSA provides brief details of the construction of the existing building, and details of the design philosophy of the proposed works, including retention of the building frame and external materials (including external cladding). It is stated that the steel frame would continue to provide the loadbearing element of the building. A new infill wall would replace the open sided front of the building. The SWSA also states that the existing walls would be 'upgraded' by way of insulated watertight timber frame partitions between the existing structural frame, with interventions to include window and door openings.
10. The SI provides load calculations based on the existing structure and foundations. Although the author did not observe the subsoil or foundations, given the lack of distortion in the steel frame, and adopting a worst-case scenario, the SI concludes that the existing building demonstrates overall structural stability and is feasible to convert, retaining the existing structure for support.
11. Although I note the Council's concerns that the SWSA and SI combined do not provide suitable certainty, and further detailed plans including internal works or a cross section have not been supplied, there is no legislative requirement for such detailed plans or reports.
12. I have noted historic photographs that indicate that maintenance has recently been carried out. Nevertheless, at the time of my visit the building as a whole

- appeared to be in reasonable condition with no evident structural issues, and external cladding being intact and largely watertight. I note that the Council does not provide any technical evidence of its own and in the absence of any substantiated evidence to the contrary, I find no good reason to conclude that the SWSA and SI in combination are unreliable in any significant respect.
13. The Council has referenced the case of *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853 (*Hibbitt*) in support of its concerns including the extent of works required and that the appeal proposal could not be considered a 'fast track, clear cut' development.
 14. The *Hibbitt* judgment found that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. I note in the *Hibbitt* case, the building was largely open on three sides, and the works involved the installation of structural infill panels to construct four external walls. In this instance, three sides of the structure are intact, with the SI stating the building is structurally capable of accepting the conversion while retaining the three existing external walls and roof structure.
 15. From the evidence before me I do not agree that the appeal building is 'skeletal and minimalist' as has been put to me. Furthermore, the existing structure, including roof structure, would be retained without the need for strengthening and would remain as the main structural element of the building. Although I acknowledge internal walls would consist of new fully insulated timber frames, also supporting new windows, these would be within the existing exterior walls, which would be retained. No substantive evidence has been provided as to why the proposal could not be carried out as proposed within the SWSA and SI, or is not a 'clear cut' development.
 16. The Council has also drawn my attention to a number of appeal decisions, in relation to both prior approval applications, and planning applications. Appeal reference APP/D0840/W/20/3251518 relates to a prior approval application, as opposed to a planning application as stated in the Council's appeal statement.
 17. I note mention within that appeal decision to demolition and replacement with an entirely new wall; the main pitched roof element of the building being a lightweight, aged structure; and the insertion of a timber framed structure requiring its own foundation and providing the necessary load bearing capacity for new floors, ceilings and additional lateral support for the retained elements of the existing building. This significantly differs from the proposal before me which seeks to use the existing structure as the main structural element of the building.
 18. Within Appeal reference APP/D0840/W/22/3292152, the Inspector raised concerns with the submitted structural report and stated doubts remained as to whether the existing building would have suitable capacity to withstand the proposed works without additional structural intervention. From the limited information before me, it appears that the building the subject of that appeal differs significantly from the proposal before me in method of construction, being open on two sides and constructed from a mix of timber and steel under a mono pitch roof. Furthermore, the SI associated with the appeal before me includes structural calculations, on the basis of a worst case scenario, which the structural report in the cited appeal lacks.

19. Appeal reference APP/D0840/W/22/3305380 relates to a planning application, thereby limiting its equivalence to the current appeal. However, I note that the Inspector comments that only the skeletal frame of the existing structure and concrete plinth would remain and very little else of the original building would endure. This differs from the proposal before me which would retain the existing steel frame as well as the majority of the external wall and roof cladding. In any case, notwithstanding the appeals drawn to my attention, the current appeal proposal has its own circumstances and I have determined the appeal on its own individual merits.
20. The conditions set out in paragraph Q2(1)(a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance, and the provision of adequate natural light in all habitable rooms. The Council have raised no objections in relation to the matters set out in Class Q.2 in relation to the other impacts from the development, and I see no reason to disagree.
21. To conclude, the evidence indicates that the works required for the conversion would utilise the existing structure and significant amount of existing external wall and roof material. I find that the building operations would be reasonably necessary for the building to function as a dwellinghouse and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. As such the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Conditions

22. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. Further standard conditions are set out in paragraph W that requires development to be undertaken in accordance with the details provided in the application. Aside from the above, the Council has not suggested any further conditions, and I also do not see the need for any further conditions.

Conclusion

23. For the reasons set out above the appeal is allowed, and prior approval is granted.

S Harrington

INSPECTOR