



Appeal Decision

Site visit made on 11 June 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/N2535/W/23/3328189

Old Hall Farm, Caenby Road, Caenby, Market Rasen, Lincolnshire, LN8 2EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').
 - The appeal is made by Mr M Kelly against the decision of West Lindsey District Council.
 - The application Ref is 146796.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of the GPDO was amended on 21 May 2024. As the application that is the subject of this appeal was made before that date, I have determined this appeal in accordance with Class Q that applied at the time the application was made.
3. A unilateral undertaking has been submitted. I shall address its provisions later in this decision.

Main Issues

4. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO planning permission is granted for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraphs Q.1 and Q.2 of the GPDO specify limitations and conditions in relation to Class Q.
5. The Council has refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraph Q.1.(i). This paragraph relates to building operations reasonably necessary for the building to function as a dwellinghouse. It has also stated that prior approval is required in relation to the location and siting of the building, and its design and external appearance (paragraphs Q.2.(1) (e) and (f)).
6. On the basis of the evidence of the Council and appellant, the main issues in this appeal are:
 - whether the proposed development would fall within development permitted under Schedule 2, Part 3, Class Q of the GPDO, and would not be excluded by paragraph Q.1; and,

- if permitted and not excluded under Class Q, whether prior approval is required, firstly, as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses) and, secondly, as to the design and external appearance of the building.

Reasons

Whether the proposed development would be permitted development

7. The building is a large, lightweight, rectangular, steel framed structure that is open on two of its four sides, namely its long front elevation and shorter western side. The other two sides of the building are enclosed by a low, blockwork wall with corrugated sheets used above as cladding. Corrugated sheets also cover the roof.
8. It is not a matter in dispute that the appeal building was constructed as an agricultural building and I saw during the site visit that it was in agricultural use.
9. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than (i) the installation or replacement of windows, doors, roofs, or exterior walls... to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out the building operations described.
10. In this case, the development would involve stripping the existing building so that only its skeleton in the form of its steel frame, low wall on two sides and roof purlins would remain. The roof would then be re-covered and the cladding on its two sides replaced. The development would also involve the insertion of new external walls into which a number of windows and doors would be inserted to enclose most of the open front elevation and all of the open western elevation. Windows would also be inserted in the eastern flank elevation.
11. In my judgement, the extent of works described would go well beyond the extent reasonably necessary for the building to function as a dwellinghouse and would amount to re-building. It would therefore not be permitted development as it would be excluded from Class Q by virtue of paragraph Q.(b) and paragraph Q1.(i). Accordingly, it is not necessary for me to consider whether prior approval should be granted in relation to the location and siting of the building, and its design and external appearance.

Other Matters

12. As I have noted earlier, a planning obligation has been submitted. In the event that the appeal was allowed, its purpose was to ensure the retention and repair of a historic wall and to ensure that a new section of walling is constructed. However, as the proposal has been found to be unacceptable for other reasons, it is not necessary to consider its provisions.

Conclusion

13. For the reasons given above, the proposal would not constitute permitted development. Accordingly, the appeal should be dismissed.

Ian Radcliffe

Inspector