



Appeal Decision

Site Visit made on 25 May 2021

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th June 2021

Appeal Ref: APP/U2370/W/21/3267218

Glen Lea Nurseries/Pinewood, Garstang Road, Pilling, Preston, Lancashire PR3 6AH

- 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 Geoff Cornthwaite against the decision of Wyre Borough Council.
 - The application Ref 20/01179/COUQ, dated 18 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is prior approval for proposed change of use of agricultural building to a dwellinghouse under Class Q of the GPDO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the heading above is taken from the decision notice and the appeal form, in the interests of clarity.
3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits development consisting of Q(a) a 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 of the Use Classes Order¹, and Q(b) building operations reasonably necessary to convert the building. In this case, the Council considers that the building operations required to convert the building are not within the scope of works set out at Q.1(i) and the proposal is not therefore permitted under Class Q(b).

Main Issue

4. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

6. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. The permitted development rights also include partial demolition to the extent reasonably necessary to carry out such building operations.
7. The Planning Practice Guidance (the PPG) states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Only where the building is suitable for conversion to residential use would it be considered to have the permitted development right.
8. The agricultural building is a relatively modern portal frame building, forming part of a former horticultural business. It has a corrugated fibre sheet roof on timber purlins. The floor is constructed in concrete sections, with ramped changes in level to meet the adjoining glasshouse doors. A section of the floor is missing to accommodate what appears to be machinery and equipment associated with the surrounding glasshouses.
9. The front elevation of the building has an eaves height of approximately 4.5m. It is constructed in blockwork to approximately 1.2m, above which there is glazing beneath corrugated fibre sheeting. There are 2 door openings in the front elevation, the largest of which has 2 wide sliding doors and finishes beneath the eaves. The eastern gable elevation is similarly constructed with glazing and sheeting above a blockwork wall. The western gable end elevation is formed by the wall of the adjoining storage building, with high level sheeting supported by timber sheeting rails and a central gable post that does not attach to the ground. The rear of the building, with eaves height of roughly 2.3m, abuts a glasshouse and there is no wall.
10. The structural survey found the building is in reasonable structural condition, but it noted that the suspended gable post required further investigation. In the absence of further information in this regard, it has not been demonstrated that the frame is capable of supporting the weight of the replacement zinc roof or the walls without additional structural elements or modifications.
11. The application form indicates that the lower walls would be retained, the large glazed areas would be replaced by new walls, and new cedar cladding would replace the fibre sheeting to the upper walls. However, it is not clear that the low block walls would be suitable to support the extent of new walls necessary. Moreover, there are no walls to the rear elevation or gable end adjoining the storage building.
12. Although it is proposed to be retained, there is very little detail in relation to the floor of the building. Based on what I saw, including changes in levels and missing sections, it would not be suitable to be used in its current form. While internal works including to allow for a floor are not generally development, it has not been demonstrated that the foundations or concrete slab would be adequate to support the weight of the new external structures.

13. Taking all this into account, the works required to allow for a residential use would be extensive and may require new structural elements to support the new roof and walls, including gable posts and load-bearing slabs and foundations.
14. In order to benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the GPDO, the proposal must involve only building operations reasonably necessary to convert the building in accordance with the definition at Class Q(b) and paragraph Q.1(i). In this case, it has not been demonstrated that the building is suitable for conversion or that the required works would be limited to building operations reasonably necessary to convert it. In coming to this conclusion, I have had regard to the High Court Judgement in the case of *Hibbitt v SSCLG* [2016] EWHC 2853 (Admin).
15. For the reasons set out above, I have found that the proposed works necessary to convert the building would fall outside of those permitted under Class Q(b) and Q.1(i) of the GPDO.
16. Given my conclusion that the proposed change of use would not be development permitted under Class Q of the GPDO, there is no need for me to consider whether or prior approval would be required as it would not alter the outcome of the appeal.

Conclusion

17. For the reasons given and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is development for which an application for planning permission would be required.
18. The appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR