

Appeal Statement

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Proposal: Change of use and conversion of 1no agricultural building into 1no self-contained dwellinghouse (Use Class C3) including associated operational development under Part 3 Class Q (a) and (b)

Address: Barn at Folly Farm, Grange Lane, Sibford Ferris, OX15 5EY

LPA Reference: 20/00174/Q56

Applicant: Mr K Bishop

8th April 2020

St Nicholas Property Ltd
Quantum House
Shottery Brook Office Park
Stratford on Avon
CV37 9NR

1 INTRODUCTION

- 1.1 This statement is submitted in support of an appeal in accordance with the provisions of 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.
- 1.2 The appeal is made by Mr K Bishop against the decision of Cherwell District Council.
- 1.3 The LPA reference is 20/00174/Q56, the decision notice is attached to this appeal.

2 THE APPELLANTS CASE IN SUMMARY

- 2.1 Application 20/00174/Q56 has been refused due to a basic lack of understanding about the proposed conversion – namely the difference between a ‘structural’ and ‘non-structural’ element of a building.
- 2.2 The council has failed to show what elements of the proposal are deemed to be beyond what is reasonably necessary for the building to function as a dwellinghouse.
- 2.3 Further, the Council has failed to attach necessary weight to the findings of the structural engineer’s assessment.
- 2.4 The Council has failed to consider and comply with paragraph 38 of the National Planning Policy Framework.

3 APPEAL SITE AND SURROUNDINGS

- 3.1 The building forms part of a farm complex comprising of Folly Farmhouse (previously owned by the applicant’s father), two steel framed barns and three grain silos. The property has been in the applicant’s family since the 1920’s and the applicant has farmed the land from a young age. The applicant is the third generation of his family to farm at this location.
- 3.2 The farmland at the application site extends to some 56 acres (22.7 ha) rather than 6.1ha as described in the planning officers report.

3.3 The applicant also owns additional land within the village.

4 THE APPELLANT'S CASE

4.1 The council has provided two reasons for the decision to refuse the prior approval.

4.2 The first and principle reason is that in the council's opinion,

Alterations are proposed that would go beyond the building operations permissible under Class Q and which are considered not "reasonably necessary for the building to function as dwellinghouse" and the existing building is not capable of functioning as a dwelling.

4.3 The council seeks to explain its chosen position in respect of Part 3, Class Q, test (i) in paragraphs 8.9 – 8.11 of the planning officer's report.

4.4 In paragraph 8.9 of the planning officer's report the council incorrectly states that the proposed building operations include a new roof structure.

4.5 In 8.10 of the planning officer's report, the council's position is that a discrepancy exists between the structural assessment carried out by Wellan Ltd and the submitted plans as to alterations to the roof structure. This is not the case.

The proposal has indeed indicated that a new roof cladding would replace the existing corrugated fibre-cement (asbestos) roof sheets. However,

4.6 The proposal does not include any alterations to the existing roof structure

The Structural assessment clearly states at paragraph 3.1 ;

"There is to be no alteration to the existing steel portal frames or the roof structure but some new doors and windows will be introduced into the walls".

4.7 A roof structure is those collective elements which carry loadings imparted by other materials. Typically, a roof structure would comprise of trusses, purlins and ridges that are responsible for transferring the load of roof coverings (cladding materials) to the structural walls below.

4.8 The council has confused the proposed replacement cladding for a structural alteration.

4.9 The planning officer's report does not detail those elements of the proposal that are deemed to be beyond what is reasonably necessary for the building to function as a dwelling house.

4.10 Only in paragraph 9.1 (Planning Balance and Conclusion), does the planning officer suggest that

"some new openings exceed a size that would be reasonably necessary"

There is no mention of these excessive new openings elsewhere in the report, and were this a legitimate concern, the planning officer could have taken a proactive approach and liaised with the applicant on this issue.

4.11 The very fact that the planning officer in paragraph 8.27 has stated that Q.2 (f) "is not offended" indicates that the design of the building is deemed acceptable rather than excessive.

4.12 The second reason for refusal relates to the curtilage of the proposal dwelling.

4.13 The council's own calculations suggest that a curtilage of 222.3m² would be permissible and has calculated the proposed curtilage to exceed this figure by 14m².

4.14 In 8.20 of the planning officer's report, it is acknowledged that based upon previous appeal decisions against Cherwell District Council, Inspectors have chosen not to uphold decisions based on this concern.

4.15 Despite previous decisions by the Inspectorate, the council has deemed a small curtilage matter (6% over what the council calculate to be acceptable) as "a legitimate concern for the decision maker".

4.16 Moreover, this concern could have been easily resolved prior to determination had the council adopted a proactive attitude to the application.

4.17 Planning Officer's Conclusions (Section 9)

The planning officer's report concludes that the proposal accords (or is likely to accord) with all test criteria Q. 1 (a) – (m) with the exception of test (i).

The planning officer states at 9.1

“However, the submitted drawings indicate a substantial rebuilding of the structure”,

The planning officer is mistaken in this assertion.

The applicant has submitted a Structural assessment to demonstrate that the existing structure comprising of the steel portal frames and roof purlins do not require alteration in order to facilitate the conversion of the building.

5 Conclusion

The proposal is for the conversion of an existing agricultural building. The building as proposed is deliverable using the existing structure and can be converted to provide a sustainable home for the applicant.

The proposed development does not fail test Q.1 (i) since the proposal does not seek to alter the existing structure and does not include works that are beyond those reasonably necessary for the building to function as a dwellinghouse.

8th April 2020

St Nicholas Property Ltd

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