



Appeal Decision

Site visit made on 7 February 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/C3105/W/23/3329034

Barns, Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire OX17 1QT

- 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).
 - The appeal is made by Mr Roger Yates of Crockwell Farm LLP against the decision of Cherwell District Council.
 - The application Ref is 23/01339/Q56.
 - The development proposed is described as 'prior approval notification under Class Q (b) for development referred to in paragraph (a) of Class Q for the 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) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses)'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the 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) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) at Barns, Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire OX17 1QT in accordance with the application 23/01339/Q56, and the details submitted with it. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the 2015 GPDO, and subject to the conditions in the attached schedule.

Preliminary Matters

2. Although the site address in the heading and decision above refers to barns in the plural, this prior approval relates to a single barn.
3. Schedule 2, Part 3, Paragraph W of the GPDO states that the local planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on the above basis that the Council refused to grant the prior approval.

4. The proposal relates to Schedule 2, Part 3, Class Q(b) of the GPDO, which enables the change of use and conversion of an agricultural building to a dwellinghouse. That is subject to certain limitations, paragraph Q.1, and conditions, paragraph Q.2. Prior approval was previously granted at appeal for the change of use of the appeal building (Ref APP/C3105/W/20/3264358).

Main Issue

5. Paragraph Q.1.(i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations, as listed above.
6. Therefore, the main issue is whether the proposed building operations would exceed that which is reasonably necessary for the building to function as a dwellinghouse under Schedule 2, Part 3, Class Q.1.(i) of the GPDO.

Reasons

7. The Planning Practice Guidance provides further clarification on works permitted under the Class Q permitted development right, including that 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. 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. In determining the appeal, I have had regard to the judgement handed down in *Hibbitt v SSCLG* [2016] EWHC 2853 (referred to hereafter as the Hibbitt judgement). This addresses the extent to which building operations to facilitate residential use may be considered to amount to conversion of the relevant agricultural building. Briefly summarised, it explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. It further clarifies, however, that the extent of works proposed is not in itself dispositive but rather a factor in determining whether the works proposed are part of a conversion.
9. The appeal barn is steel framed. A low blockwork wall forms the bottom section of the 'east elevation' with corrugated sheeting above. Other walls are clad in vertically hung timber or corrugated sheeting. Unlike the barn in the Hibbitt judgement, none of the elevations of the appeal building are completely open. Therefore, where new walling is proposed, this relates to infilling of gaps. In any event, the provision of structural elements such as areas of new walling does not of itself indicate that works would not comply with paragraph Q.1.(i). Whether or not the works amount to rebuilding rather than conversion is a matter of fact and degree.
10. A structural engineer's assessment of the appeal building is provided by AB Design Solutions Ltd (May 2023) (SA). This confirms that the steel frame, roof, external cladding and floor are in a good condition and capable of withstanding loadings associated with the building's conversion. The SA also finds that the

existing pad foundations of the building would remain without alteration. Therefore, I am satisfied that these features are capable of being retained.

11. The proposed drawing (Ref 21.02.03.111 Revision F) includes a detail to show how the proposal would be made weather tight and insulated by the addition of internal timber battens fixed to a proposed wall build up. Whether or not this amounts to a new internal structure, I consider such internal works to amount to conversion rather than rebuilding here. This is due to the retention of the existing steel frame, floor and roof structures which would be integral to the proposed dwelling.
12. The SA recommends that roof linings should be light weight to ensure the structure is not overloaded. The appellant has confirmed that such internal works would be light weight. In my experience, this is not uncommon for such conversions and no substantive evidence is before me to indicate that this would not be feasible here. The SA concludes that the barns are considered to be suitable for conversion and structurally stable. That is the professional opinion of the surveyor who prepared the report. No robust evidence is before me to lead me to a different conclusion.
13. Therefore, and as referenced in a previous appeal decision for this building (Ref APP/C3105/W/20/3264358), I accept that the extent of works to make the building habitable would be significant. However, as a matter of fact and degree, the proposed works would not be so significant so as to amount to rebuilding. It would instead amount to conversion. Accordingly, the proposed works would be reasonably necessary for the building to function as a house, and consequently the limitation in paragraph Q.1.(i) of the GPDO would be met.

Other Matters

14. Crockwell Farmhouse is grade II listed. It is described as 17th Century and comprises a two storey stone building with a steeply pitched roof and stone mullioned windows. Insofar as it is relevant to this appeal, its significance is primarily derived from its architectural features and its role as a farmhouse. The proposal would retain the appeal building's existing form and much of its external materials. As such it would continue to have the appearance of a barn in rural surroundings. Therefore, the proposal would not harm the setting of the listed building or its significance. For similar reasons, the limited alterations to the building's appearance through infilling of gaps and insertion of windows would not harm the character and appearance of its surroundings.
15. I acknowledge concerns raised by the Parish Council in respect of the extent of development that has taken place on this site. Nevertheless, the matters for consideration in this appeal are restricted to those set out in the relevant paragraphs of the GPDO. Having regard to its surroundings I find that the proposal complies with the conditions and limitations in the GPDO.
16. I note concerns in respect of the adequacy of the farm access. I return to this under Conditions. Any deterioration of Manor Road in light of previous developments cannot reasonably be addressed by this prior approval. Moreover, given the extent of the existing building to be retained, use of Manor Road during its conversion would not be sufficient to justify highway improvement works.

Conditions

17. Prior approval may be granted unconditionally or subject to reasonably related conditions. I have considered the condition suggested by the Council in light of the Framework and the PPG. I have simplified the wording of some of the conditions. A reduced level of detail is appropriate given the prior approval process which is not intended to replicate the planning application system. It is necessary to impose a condition requiring adherence to the supporting plans for certainty, and to ensure compliance with the relevant requirements of Class Q.
18. A condition requiring landscaping details is necessary in respect of achieving a suitable external appearance. I have amended this condition to include details of hard surfacing of the vehicular access within the site. This is necessary to ensure the proposal can be suitably accessed and relates to the transport and highways impacts of the development. A separate condition on planting and maintenance is not necessary for a proposal of this scale under the prior approval process. Noting the former use of the site, a remediation condition is necessary in the interests of safeguarding the living conditions of future occupiers and reasonably relates to the subject matter.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 21.03.03.100 REVISION B – Location Plan; 21.02.03.110 REVISION E – Proposed Site Plan; and 21.02.03.111 REVISION F – Proposed Floor Plans & Elevations.
- 2) Details of hard and soft landscaping, including surfacing of the vehicular site access, shall be submitted to and approved in writing by the local planning authority prior to occupation of the development hereby permitted. The landscaping shall then be carried out in accordance with the approved details and thereafter retained and maintained.
- 3) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.