Planning Inspectorate

Appeal Decision

Site visit made on 12 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/Z3825/W/24/3341956
Stumbleholme Farm, Rusper Road, Ifield, West Sussex RH11 0LQ

- 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 William Farmer against the decision of Horsham District Council.
- The application Ref is DC/24/0033.
- The development proposed is Prior Notification for change of use from an agricultural building to 5 dwellings (C3 Use class).

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by William Farmer against Horsham District Council. This application is the subject of a separate decision.

Main Issues

3. The main issue is whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO, with particular regard to:

- whether the proposal would result in the external dimensions of the building extending beyond those of the existing building,
- whether the building is capable of conversion, and, if these conditions are met,
- whether adequate living conditions would be provided for future occupiers.

Reasons

External dimensions

4. The Council consider that the proposed development would result in the external dimensions of the building the appellant and Council refer to as Barn C extending beyond the external dimensions of the existing building at any given point.

5. Having regard to the plans submitted with the appeal, there is a difference in ridge height shown between the existing and proposed plans for Barn C. The appellant has provided a photograph of the barn proposed to be converted in an attempt to show that there is sufficient height to allow for the proposed accommodation. I also note the appellant's suggestion that the conversion would take place without extending beyond the external dimensions of the existing building.

6. However, the plans submitted with the appeal clearly show that the eaves height of the proposed dwelling would be increased beyond the existing. Therefore, it would clearly extend beyond the external dimensions of the existing building. I note the appellant suggests the plans are indicative, however, based on all of the submitted information, I cannot be certain that the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

7. The extracts of the Council's guidance provided by the appellant only replicate the requirements of Class Q and while the appellant considers there is no limit to the extent of the internal works that may be carried out, this is not relevant to part (h).

8. I therefore conclude that the proposed development would be contrary to the requirement of Q.1(h) of Part 3, Class Q of the GPDO. The proposal would therefore not be permitted development under Class Q in this respect.

Whether the building is capable of conversion

9. Class Q of the GPDO allows for a change of use of a building, and any land within its curtilage, from an agricultural use to a dwelling, including building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building.

10. The appeal buildings are two large steel framed buildings and I note the appellant's structural report considers that they are structurally sound and capable of being converted to provide habitable dwellings.

11. The Council have particular concerns in relation to cracks within the concrete slab of Barn C and that Barn B would require a new concrete raft. The Council consider that these works would exceed what would be considered reasonably necessary. Case Law[1] outlined that a building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building.

12. The GPDO makes no distinction between structural and non-structural works, and it places no restriction on whether works are structural or not. I note the Council's concerns in relation to necessary loading required for the new internal walls and of course the new external works. However, the structural report is clear in that the steel frames, concrete frames and foundations are adequate with no signs of structural movement.

13. In this regard, having regard to the details of the condition of the buildings that the appellant has provided as well as the proposed works, I consider that the building operations proposed would be reasonably necessary to convert the building and would not be operations amounting to the complete or substantial re-building of the pre-existing structure.

14. For the above reasons, I conclude that the extent of the proposed works to the building do not go beyond those permitted under Q.1(i) of Part 3, Class Q of the GPDO. The proposal would therefore be permitted development in this respect.

[1] Hibbitt v SSCLG [2016] EWHC 2853

Whether adequate living conditions would be provided

15. As I have concluded that the proposed development is not permitted under Class Q, I have no need to consider the further issues in terms of the criteria contained within Q.2(1) (e) of the GPDO.

Other Matter

16. I note that the appellant has referred to obtaining permission for over 100 Class Q permissions. However, each case is considered on its own merits and for the reasons I have outlined the proposal would not be permitted development.

Conclusion

17. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR