



## Appeal Decision

Site visit made on 31 July 2018

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> August 2018

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### Appeal Ref: **APP/Y2736/W/18/3198404**

### **Eddlethorpe Grange Farm, Malton, North Yorkshire, YO17 9QS**

- 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 Ms Alexandra Abbott against the decision of Ryedale District Council.
  - The application Ref 17/01131/GPAGB, dated 19 September 2017, was refused by notice dated 3 November 2017.
  - The development proposed is a 2 bedroom attached cottage.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') for a 2 bedroom attached cottage at Eddlethorpe Grange Farm, Malton, North Yorkshire, YO17 9QS in accordance with the terms of the application, Ref 17/01131/GPAGB, dated 19 September 2017, and the plans submitted with it. The approval is subject to the condition that 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 GPDO.

### Procedural Matters

2. The application form is undated. I have therefore referred to the date of the application used on the appeal form.
3. Prior to the site visit the revised National Planning Policy Framework ('the Framework') was published. Both parties have been provided with an opportunity to comment on the revised Framework.

### Background and Main Issue

4. The application was submitted under Schedule 2, Part 3, Class Q of the GPDO. Class Q permits the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses), and building operations reasonably necessary to convert the building.
  5. In refusing Prior Approval the Council concluded that the application relates to a structure, not a building. It is also claimed that the proposal would go beyond the scope of Class Q because the former barn requires a new roof.
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6. The main issue is therefore whether or not the proposal would constitute the change of use of a building, and whether or not the works required would be reasonably necessary for the conversion.

**Reasons**

7. The appeal relates to a four-sided, rectangular structure previously used for rearing cattle. Built predominantly from brick it forms part of a small yard, with the adjoining building currently undergoing residential conversion.
8. At present the barn has no roof. Evidence submitted by the appellant shows that it used to support a clay pantile roof which collapsed in 2009 following weather damage. The remaining sections were removed for health and safety reasons shortly thereafter, with the walls and gable repaired and re-pointed.
9. In my opinion, what remains on the appeal site is a building without a roof. It has four solid brick-built walls, a gable end, door openings, a concrete floor and the original internal partitions. It is consistent with the definition of a building provided in Article 2 of the GPDO which includes "...*any structure or erection*". The proposal therefore meets the requirement of Class Q(a).
10. As part of the conversion into a dwelling only limited new openings would be needed to form windows and doors on the eastern elevation. The submitted scheme is a modest design which respects the traditional appearance of the barn. The new roof would also be consistent with its agricultural surroundings, and would be no more than necessary to enable residential occupation.
11. In opposing the scheme the Council states that the GPDO only allows for the replacement of a roof, and not the insertion of a new one. However, the appeal seeks to put a roof back on the building in the same place that it was previously; to replace the one damaged in 2009. Furthermore, Class Q.1(i)(i) specifically allows for "...*the installation or replacement of...windows, doors, roofs or exterior walls...*" (my emphasis). Thus, subject to meeting the other requirements of the GPDO, the installation of a new roof is permitted.
12. In reaching this view I note that the Planning Practice Guidance ('PPG')<sup>1</sup> states that it is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for a conversion. Only where an existing building is suitable for conversion would it benefit from permitted development. In this case the application is supported by an assessment which confirms that the walls are free from damage, weathering or subsidence that would indicate any structural issues or undermine its capacity to support a roof. There would also be no requirement to strengthen the building, which had a roof until 2009. Based on the evidence provided the extent of the works required would therefore not amount to the rebuilding of the barn. In this regard the proposal is materially different to the situation before the Inspector in *Hibbitt v Secretary of State for Communities and Local Government*.<sup>2</sup>
13. I therefore conclude that the proposal would constitute the change of use of a building, and that the works required would be reasonably necessary for the conversion. As a result, it meets the requirements of Schedule 2, Part 3, Class Q of the GPDO.

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

<sup>2</sup> *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

**Conclusion and Conditions**

14. For the reasons given above, and having had regard to all other matters raised, I conclude the appeal should be allowed.
15. In accordance with Schedule 2, Part 3, Class Q.2(3) of the GPDO the approval is subject to the standard condition that development must be completed within 3 years from the date of this decision.

***Matthew Birkinshaw***

INSPECTOR