



Appeal Decision

Site visit made on 21 November 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/R0660/W/23/3322139

Stoke Hall Farm Stoke Hall Lane, Cheshire East, Stoke CW5 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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. The appeal is made by Stoke Hall Barns Ltd against the decision of Cheshire East Council.
 - The application Ref 23/0652N, dated 16 February 2023, was refused by notice dated 14 April 2023.
 - The development proposed is prior approval for a change of agricultural building to dwelling.
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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) (the GPDO) for the change of agricultural building to dwelling at Stoke Hall Farm, Stoke Hall Lane, Cheshire East, Stoke CW5 6AS in accordance with the application Ref 23/0652N made on 16 February 2023, and the details submitted with it including plan nos P-002 rev A, P-103 rev F, P-118 rev C, P-119 rev C, P-203 rev D, P-204 rev D, P-502 rev B and P-503 rev B. The application 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 GPDO.

Main Issue

2. The main issue is whether the proposed development would fall within the definition of development permitted by Schedule 2, Part 3, Class Q of the GPDO with specific regard to the proposed internal works.

Reasons

3. The barn is a relatively square building which, from the information before me is structurally sound. At the time of my site visit building works were being carried out on the wider site and the barn did not appear to be in use. However, I have no reason to believe that it was not last in use for an agricultural purpose.
4. Along with some external works, including the creation of new openings for windows and doors, and the demolition of some nearby elements, the proposal would include internal works. These works would provide an addition floor and internal walls to subdivide the building in to two, two-storey dwellings.

5. Paragraph Q.1 (i) (i-ii) sets out the building operations allowed where a building is found to be suitable for conversion. These operations include the installation or replacement of windows, doors, roofs, exterior walls or services to the extent reasonably necessary for the building to function as a dwellinghouse. Partial demolition is also allowed where it would be to the extent reasonably necessary to carry out the building operations outlined above.
6. The Planning Practice Guidance (the PPG) states¹ that internal works are not generally considered development. It goes on to specifically refer to internal structural works such as the insertion of upper floors and internal walls as being appropriate and not prohibited by Class Q.
7. It is clear that it would not be possible to provide a pair of two-storey, two-bedroom houses without the installation of internal walls and floors. However, given the provisions of the GPDO and the additional guidance provided by the PPG, these works may not necessarily be development and, even if they were, I find they would be reasonably necessary in order for the building to function as a dwellinghouse.
8. Mindful of the PPG, I am satisfied that the barn is capable of functioning as a dwelling and that the proposed internal and external works would be reasonably necessary to convert the building to such a use. Consequently, the proposed works would not exceed the limitations set out in Paragraph Q.1 (i) of the GPDO.

Conclusion

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

Samuel Watson

INSPECTOR

¹ Paragraph 105, Reference ID 13-105-20180615