



Appeal Decision

Site visit made on 15 October 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/A0665/W/24/3348329

The Old Stables, Manor Farm, Forge Mill Lane, Winsford CW10 0LY

- 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) (GPDO) Order 2015 (as amended).
 - The appeal is made by Mr Robert Morrey against the decision of Cheshire West and Chester Council.
 - The application Ref is 23/03578/PDQ.
 - The development proposed is change of use of a former agricultural (pig) building to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council's decision notice as it describes the appeal scheme in more accurate and concise terms than that provided in the application and appeal form.
3. Since the Council's decision, Class Q in Part 3 of Schedule 2 of the GPDO has been amended. This is through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579. However, insofar as it relates to the matters at hand in this appeal, the conditions and limitations of Class Q are unchanged.

Main Issue

4. The main issue is whether the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

5. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Use Classes Order and any building operations reasonably necessary to convert the building.
6. The GPDO states at paragraph Q.1 (j)(i) that development under Class Q(c) 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 dwelling house.

7. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The PPG is clear that it is not the intention of the permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Accordingly, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
8. Both main parties have referred to the judgement in *Hibbitt v SSCLG* [2016] EWHC 2853 which relates to the difference between conversions and rebuilding dealt with under Class Q. This suggested that an agricultural building may be so skeletal and minimalist that the works needed to alter it to be used as a dwelling would be of such a magnitude that it would be tantamount to a new build or rebuild as opposed to a conversion. Furthermore, the Hibbitt case highlights that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.
9. The existing walls are of similar brick construction to the other traditional farm buildings on the site, which I am informed may have existed since the 1860's. The PPG also sets out that for the building to function as a dwelling it may be appropriate to undertake structural works which are not prohibited by Class Q.
10. However, there is little firm detail of the exact proposed works before me. In the absence of any substantive evidence to the contrary, it is likely that the development would involve stripping the existing building so that only two full sides of it would remain. Indeed, the development would include a full replacement roof and the appellant accepts that it would require the rebuilding of the north facing wall to allow for the insertion of bi-folding doors. On my site visit I also saw that a large portion of the southern elevation, like the northern elevation, was boarded up and void of brickwork. This wall would therefore also be likely to require full or partial rebuilding, along with the insertion of an additional window.
11. Individually, the works for each of the above identified components may be permissible under the terms of paragraph Q.1(j)(i) of the GPDO. However, in my judgement, and based on the evidence before me, the totality of the proposed works would go beyond the extent reasonably necessary for the building to function as a dwellinghouse and would be tantamount to a significant rebuild rather than a conversion.
12. Accordingly, it would exceed the limitations set out in Paragraph Q.1(j) of the GPDO and does therefore not benefit from deemed permission. As such, it is not necessary for me to consider the other qualifying conditions set out in Paragraph Q2 of the Order relating to the provision of adequate natural light in all habitable rooms of the dwellinghouses.
13. For the reasons given above, I therefore find that the proposed development would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and that the appeal should be dismissed.

Mark Caine

INSPECTOR