



Appeal Decision

Site visit made on 5 November 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2024

Appeal Ref: APP/A0665/W/24/3343928

Cuddington Manor Farm, Grange Lane, Weaverham, Northwich, Cheshire West and Chester CW8 2SR

- 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 and Mrs L Nisbet against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/00345/PDQ.
 - The development proposed is conversion of existing agricultural building to 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) has been amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579, as the case was submitted to Cheshire West and Chester Council prior to 21 May 2024, I have decided it on the basis of the old Class Q within the GPDO.

Main Issues

3. The main issues are:
 - Whether the scope of the proposed works is within that covered by Class Q,
 - Whether the identified curtilage complies with the requirements of the GPDO, and;
 - Whether prior approval is needed as to the design or external appearance of the building.

Reasons

Scope of the Works

4. The appeal site covers a large barn and an area of land surrounding it. The barn is constructed of a mixture of materials including brick and concrete blockwork on the lower portion, topped by profiled cladding on the upper portion of the walls and the roof. At the time of my visit the building appeared to be structurally sound and in an overall good condition.

5. The GPDO sets out what works are covered by Class Q and these are expanded upon by the Planning Practice Guidance (the PPG). These works include new or replacement windows, doors, roofs and exterior walls insofar as they are reasonably necessary for the conversion of the building. Additionally internal works are not usually considered development and works such as the provision of a floor, a mezzanine or upper floor, and internal walls can be appropriate.
6. As a result of the proposed works the complete roof, the upper portion of the walls and the large gable-end doors would be removed and replaced. Class Q.1 (i)(i)(aa) allows for the replacement or creation of external walls and roofs, where they are reasonably necessary for the building to function as a dwellinghouse. However, those parts of the building which are to be retained, namely the metal framework and the blockwork portion of the walls, are skeletal and modest relative to the building as a whole. This is especially so given that additional openings within the blockwork would be made for the creation of windows and doors. As such, the overall works would be of such a magnitude as to exceed the meaning of conversion within the provisions of Class Q.
7. The Council have additionally raised concerns as to a number of internal works including the provision of a first floor, internal walls and insulation. However, internal works are not generally development and Class Q does not prohibit those works noted above. I find that in order to provide 5 habitable dwellings the provision of an additional floor, internal walls and insulation would be reasonably or sensibly necessary. These works would not, therefore, exceed the scope of those permitted under Class Q.
8. Nevertheless, given the extent of works related to the external walls and roof, I consider that the proposal would exceed the scope of building operations covered by Class Q under Paragraphs Q.1(i)(i) and Q.1(i)(ii).
9. Although the proposal and works covered by the Hibbitt Case¹ may not be directly comparable to the proposal before me, the assessment as to whether the works associated with a conversion are covered by Class Q is relevant. Therefore, I have been mindful of this case in reaching the above conclusion.

Curtilage

10. Paragraph X of the GPDO interprets curtilage, for the purpose of Class Q, as “(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land occupied by the agricultural building, whichever is the lesser”.
11. On a plain reading of this paragraph, it is clear that any land included with the proposal for conversion must cover an area no greater than that covered by the host building itself. Whilst a larger area of land may be closely associated with and serve the purposes of the agricultural building, the class is clear that this is not part of the curtilage for the purposes of Class Q.
12. I am content from my observations on site, and the information before me, that the proposed curtilage is land that is not only immediately around the

¹ Hibbitt v SSCLG [2016] EWHC 2853

building, but that is closely associated with and serving the purposes of the building. However, it is clear that this land occupies a much larger area than the land occupied by the agricultural building itself.

13. I note the appellant's concerns that using the footprint of the building to consider the curtilage as being overly strict. However, it is clear from the wording of the GPDO that this is the assessment that must be made.
14. In light of the above, the proposal includes the conversion of land outside of the appeal building's curtilage. The development does not, therefore, benefit from the permitted development set out under Class Q.

Design and External Appearance

15. The appeal site is located within the countryside and is surrounded by primarily agricultural fields and some sporadic development. The appeal building itself is a large barn, the design and materials of which are typical for modern agricultural buildings. Although the immediate fields are open to the appeal site, the wider area contains mature hedgerows and trees.
16. As part of allowing for the conversion of agricultural buildings, Class Q allows for external alterations. It also allows for the use of a building's curtilage for domestic purposes such as amenity space and parking. I consider that these changes would inevitably result in the development appearing more domestic than an agricultural barn.
17. With the exception of the larger ground-to-roof windows, the proposed windows would primarily be domestic in scale and proportions. However, given the positioning and size of these smaller windows, they would be less prominent in distant views. Therefore, although more domestic, I find that they would not significantly affect the appearance of the building. The larger windows on the north, south and west elevations would be sympathetic to the scale and form of openings typical to agricultural buildings. By their nature, the proposed rooflights would not be readily visible and would not affect the overall character or appearance of the building. Given the palette of materials proposed, the changes to the cladding of the roof and walls would not result in the barn appearing more domestic.
18. I am also mindful that the appellant proposes to use dark frames to the windows and doors and tint the glazing in order to reduce their prominence. While the darker framing may help, I cannot be certain that the tinting would work. Nevertheless, given the above, I do not find that the tinted glass would be necessary.
19. Given the presence of mature vegetation around the site, and between it and the A49, the barn would be somewhat softened in views. I am, however, mindful that this would be reduced when there is less leaf cover. Nevertheless, given the above and the likely distance of any public views, the proposal would not result in an unacceptably prominent or intrusive domestic feature.
20. In light of the above, the proposal, through its design and use of materials would not become overly domestic to the detriment of the rural and agricultural appearance of the building and its surroundings. Therefore, prior approval of the Local Planning Authority is not required with regards to Paragraph Q.2(f) of the GPDO.

Other Matters

21. My attention has been drawn to several decisions relating to prior approvals for barn conversions and I note the comparisons made. I have not been provided with the full details and facts of these applications and decisions. In particular, I have been provided with no details of the case referred to as Henshaw Hall, and so this example has not been determinative in my considerations.
22. Whilst other planning appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances, based on the facts and evidence before those decision-makers at the time.
23. I find that the appeal decision at Green End Farm² is not particularly relevant to this appeal as it appears to primarily turn on an older edition of the PPG and the structural capacity of the retained building. I also find that the scope of the works proposed at Low Farm³ do not reflect those before me. In particular, the walls were to be retained and clad while only the roof was to be replaced. These examples have, therefore, had no substantive bearing on my assessment of this proposal. I have determined the proposal on its own individual merits.

Conclusion

24. For the reasons given above, and having regard to all other material considerations, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR

² Planning Inspectorate reference: APP/J0405/W/18/3218143

³ LPA reference: 22/04694/PDQ