



Appeal Decision

Site visit made on 21 January 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/A0665/W/24/3352253

**Low Farm, Post Office Lane, Norley, Northwich, Cheshire West and Chester
WA6 8JH**

- 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 J Pugh against the decision of Cheshire West and Chester Council.
 - The application Ref: 23/03833/PDQ, dated 4 December 2023 was refused by notice dated 21 March 2024.
 - The development proposed is conversion of agricultural building into one dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No. 579 (SI No. 579) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In line with transitional arrangements, I have determined this appeal in accordance with the GPDO provisions that were in force at the time the application was submitted in December 2023. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
3. The application form did not contain a description of development. I have therefore used the description of development contained within the decision notice for clarity.
4. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Whilst some paragraph numbers have changed, the relevant paragraphs and parts of paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Background and Main Issues

5. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations which are reasonably necessary to enable the conversion of the building. This is subject to limitations and conditions as set out in paragraph Q.1 and Q.2 of Class Q.

6. The GPDO states that the local planning authority can refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
7. The Council contends that the development is not permitted development under Class Q(b) because it considers the scale of operational works proposed exceeds what could be considered to be reasonable and necessary to enable the building to function as a dwelling. Furthermore, that the siting and location of the building would result in an impractical and undesirable change of use to a dwelling house and thereby it would not meet the requirements of Class Q(b) due to the limitations specified under Q.1(i) and Q.2(e).
8. The main issues are therefore whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(i) and Q.2(e) of the GPDO having regard to:
 - whether the proposal would result in building operations reasonably necessary to convert the building to a dwellinghouse in respect to Class Q.1(i).
 - whether the location and siting of the building make it impractical or undesirable for the building to change to a dwellinghouse, in terms of the appropriate provision for the living conditions of future neighbouring occupants and future occupants with particular regard to privacy, parking, outlook, noise and disturbance.

Reasons

Building operations

9. Low Farm comprises of two detached farmhouses, a large brick barn and two steel framed barns. The barn subject of this appeal is a single storey, steel framed agricultural barn with partial blockwork and metal sheeting up to the eaves. It is located between the other agricultural barns. It has two large openings located at each gable end of the building. At the time of my visit, the barn was being used for the storage of agricultural equipment.
10. Planning Practice Guidance states that the Class Q permitted development right is not intended to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. This includes the installation or replacement of roofs and external walls to the extent that is reasonably necessary for the building to function as a dwelling house. Furthermore, it outlines that internal works are not generally development and that for the building to function as a dwelling it may be appropriate to undertake internal structural works including internal walls amongst other things.¹
11. The existing agricultural building would be retained in terms of its overall form and scale. The appellant's structural report refers to the need for minor structural alterations, including the need to upgrade the roof and new internal walls or structural elements to support increased loads. Consequently, no structural strengthening works would be required to the existing frame. Additionally, that the

¹ Planning Practice Guidance Paragraph: 105 Reference ID: 13-105-20180615

walls and floor slab could be reused but would need insulation and damp treatment.

12. The Council have cited the case of *Hibbitt v SSCLG [2016] EWHC 2853 (Admin)* which held that the building must be capable of conversion to residential use without operations amounting to a complete or substantial re-building of the pre-existing structure. I have identified above that the proposed building works would not amount to a complete or substantial re-build of the barn given the retention of the existing frame as well as the appropriateness of the internal works which would accord with PPG and thereby would be included within the parameters of the Class Q permitted development right.
13. An appeal decision for the conversion of an agricultural building to five dwellings in Northwich has been cited by the Council² as well as an appeal decision in Winsford³. I do not have the full details of the appeal schemes before me and therefore cannot be certain that they are wholly comparable to the proposed development before me. Nevertheless, the Inspector in the Northwich appeal found that the elements to be retained of that scheme were skeletal and modest relative to that building as a whole and therefore the proposed works would exceed the meaning of a conversion. In the Winsford appeal decision the Inspector found that the totality of the works would also constitute a significant rebuild rather than a conversion.
14. However, each case is determined on its own merits and the matter of whether the level of works constitutes a conversion is a matter of fact and degree and requires an element of planning judgment. Whilst the Inspectors in their decisions found that the works would go beyond the extent reasonably necessary and constitute a rebuild, I have identified above that the building operations for the appeal scheme before me would be reasonably necessary and result in a conversion.
15. In conclusion, the building operations would be reasonably necessary to convert the agricultural building to a dwelling and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. Accordingly, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Location and siting of the building

16. The barn subject to this appeal is adjacent to agricultural buildings including a cattle shed and a slurry tower. I noted on my site visit that there was modest evidence of agricultural activity taking place and the appellant acknowledges that agricultural operations take place in the adjacent barns albeit at a low level.
17. The appellant states that the slurry tower and cattle shed would be subject to later applications for demolition and that it is not unusual for Class Q conversions to exist immediately adjacent to agricultural buildings. Nevertheless, I cannot be certain of the outcomes of later applications if indeed they are submitted.
18. The appeal barn has a closer relationship to the slurry tower in comparison to the other barns cited by the appellant. Given the close relationship of the appeal barn to the slurry tower and adjacent agricultural buildings and consequently the aforementioned agricultural operations, it is likely, in this case, that as a result

² Planning Appeal Ref: APP/A0665/W/24/3343928

³ Planning Appeal Ref: APP/A0665/W/24/3348329

there would be an unreasonable level of noise and disturbance for future occupants of the appeal scheme.

19. The windows of the proposed scheme would face towards an agricultural barn to the south of the appeal site. Given the non-uniform building line, the adjacent barn is considerably forward of the appeal barn. Consequently, the outlook from the windows on the appeal scheme would on balance provide oblique views of the adjacent barn. Therefore, the windows would provide adequate outlook for any future occupants of the appeal scheme from the relevant windows.
20. The appellant states that the appeal barn will continue to exist irrespective of whether it is converted and consequently, the conversion would result in no greater impact on outlook than that which already exists between the barns. Thereby, the proposed conversion would not result in harm upon the living conditions of future neighbouring occupants of the adjacent barn which has been granted permission to be converted to a residential dwelling.
21. The windows on the relevant elevation have been configured to be obscurely glazed without any openable units below 1700mm from finished internal level. Therefore, if I was minded to allow the appeal a condition requiring the relevant glazed windows and limitations regarding their ability to open would be adequate to provide acceptable living conditions for future neighbouring occupants. This could be achieved by an appropriately worded condition given that Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval.
22. Nevertheless, whilst other barns proximate to the appeal site have been granted permission to be converted to provide three dwellings, these have not taken place. Consequently, the appeal site remains agricultural in character, agricultural operations are still being conducted close to the site and therefore the extant permissions do not justify the appeal scheme before me.
23. The Council state that the appeal scheme would conflict with an extant permission⁴ and consequently would fall within the garden areas, identified garage and parking areas for the approved dwellings. The extant permission has not been constructed and whilst some conditions have been discharged and CIL details completed, it is not clear if formal implementation of this consent has commenced. The timing of implementation will have a bearing on the validity of consents and the appellant has indicated that future Section 73 applications are likely to follow. Consequently, it is not within the scope of this appeal to assess possible future planning breaches.
24. In conclusion, the appellant has not adequately demonstrated that the existing overall agricultural operations of the appeal site and the surrounding area would not result in harm to the living conditions of future occupants of the appeal scheme. Consequently, the location and siting of the appeal barn is impractical and undesirable for conversion due to the likely impacts on the living conditions of future occupants of the dwelling with regard to noise and disturbance. The proposed development would not therefore comply with paragraph Q.2(1)(e) of Schedule 2, Part 3, Class Q of the GPDO as the location or siting of the building makes it impractical and undesirable for the building to change use to a dwellinghouse.

⁴ Planning Application Ref: 20/03235/FUL

Other Matters

25. The appellant sets out a number of benefits of the proposed development. However, these factors are not relevant to the appeal proposal submitted under Class Q of the GPDO. Even if they were, these matters do not, in this instance, overcome the need to ensure the location and siting of the building is not impractical or undesirable for the change from an agricultural use to a dwellinghouse.

Conclusion

26. Given that the location of the appeal building makes it impractical and undesirable for residential use, the appeal proposal would not be permitted development. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR