



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: 6 May 2025

Appeal Ref: APP/A0665/W/24/3350214

Lodge Farm, Worthenbury Road, Crewe By Farndon, Chester, Cheshire West and Chester CH3 6PA

- 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 P Feeney against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/01483/PDQ, dated 23 May 2024 was refused by notice dated 25 July 2024.
 - The development proposed is change of use of agricultural buildings to residential use (5 dwellings).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the appeal form in the banner heading given that no description of development was referred to in the original application form.
3. 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 Issue

4. The appellant considers that the appeal scheme should be granted deemed consent because the Council took 63 days to determine the application and therefore this was outside the statutory time period of 56 days outlined in Article 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). However, Schedule 2, Part 3 paragraph W(2)(e) states that the application must be accompanied by any fee required to be paid, amongst other things. W(11)(c) further states that the expiry of 56 days follows the date on which the application under W(2) was received.
5. The application was received by the Council on the 23 May 2024 with the incorrect fee. Consequently, it was validated on the 13 June 2024 once the correct fee had been paid. Therefore, in accordance with the aforementioned paragraphs in the GPDO, the start of the statutory time period began on the 13 June 2024. Thus, given the decision notice is dated the 25 July 2024 and it was issued within the required 56 days.

6. 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.
7. 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.
8. The Council contends that the development is not permitted under Class Q(c) insofar as the scale of the operational work required to alter the use of the buildings to dwellings would be beyond what would be reasonably necessary for the buildings to function as dwellinghouses.
9. The main issue is therefore whether the proposal would be permitted development under Schedule 2, Part 3, Class Q(c) of the GPDO having regard to whether the proposal would result in building operations reasonably necessary to convert the buildings to dwellinghouses.

Reasons

10. The appeal scheme seeks to convert two barns (referred to as Barn F and Barn H) to five residential dwellings. It would also involve the demolition of a rectangular brick barn and associated lean-to as well as a significant proportion of Barn H. The curtilage indicated by a red line on the revised block plan which the Council are satisfied accords with the limitations listed within Class Q.3.(1)(a) and (b) does not include the majority of this built form. Consequently, the proposed demolition works cannot be considered permitted development under Class Q.
11. Barn F has a corrugated metal roof and a steel portal frame. The wall sections are clad with corrugated metal or infilled with blockwork. However, the majority of the barn remains open. Barn H has two steel portal frame structures and the proposed development would convert the majority of the dual pitched roof sections and remove the single pitched roof sections with concrete blockwork. I have identified above that the majority of the demolition work would occur outside of the area of curtilage permitted under Class Q. The appellant states that the conversion of the barns would require the construction of an inner skin of blockwork and/or insulated plasterboard and an insulated solid floor.
12. Nevertheless, 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. Based on the evidence before me, the proposed building operations include the significant construction of significant portions of the barns including amongst other things, additional structural elements and foundations. Therefore, this work would result in the rebuilding of the existing barns.
13. Moreover, whilst internal works are not generally considered development, the appellant has not provided a structural report regarding either of the Barns. Given the insubstantial nature of these barns a structural survey would be necessary to

assess the soundness of the structures. Therefore, given the lack of structural report the appellant has not adequately demonstrated that the proposed works would not require any additional structural elements and that the existing structures would be sufficient to support the required replacement walls, glazing, roof insulation and installation of first floors.

14. The appellant has stated that they would agree to a condition requiring a structural report. However, the structural integrity of the barns need to be evidenced in order to demonstrate that the appeal scheme would comply with Class Q(c).
15. Multiple granted permissions have been cited by the appellant. The first relates to a Dutch Barn conversion in Ludlow Shropshire¹, the second permission cited relates to a Dutch Barn known as DUT18 and the third a Dutch Barn located in Kimbolton². I do not have the full details of these permissions and therefore cannot be certain that they are wholly comparable. Nevertheless, the permissions were not granted under the Class Q permitted development right. Consequently, the threshold outlined in Q2(c) regarding whether the scale of operational works can be deemed reasonably necessary for the purposes of Class Q were not determinative for these permissions. Moreover, each case is determined on its own merits. I have identified above that the appellant has failed to adequately demonstrate that the scale of operational works would be reasonably necessary given the lack of structural report.
16. In conclusion, I am not satisfied that the proposed scale of the operational works would result in building operations reasonably necessary to convert the buildings to dwellinghouses under Schedule 2, Part 3, Class Q(c) of the GPDO.
17. There is no need for me to go on and consider the effect of the proposed development with regard to the prior approval matters specified in paragraph Q.2. (1) (e) and (f) under Class Q as it would not alter the outcome of the appeal.

Other Matters

18. An application for an adjacent barn on the appeal site has been cited by the appellant.³ I do not have the details or outcome of the application before me. The appellant argues that the application, if approved, would result in a precedent for housing on the site and consequently a refusal of the appeal before me would result in the barns falling into a state of dereliction. This they consider would result in the attraction of antisocial behaviour. Irrespective of the outcome of the application, there would be benefits associated with an improvement to both ground level surveillance and security.
19. The appellant also refers to the provision of new residential dwellings and the contribution they would make to the housing target within Cheshire West and Chester, whilst limiting extensive construction efforts and contributing to land conservation efforts. Although the Framework aims to significantly boost the supply of housing, this is not a matter that can be considered in the appeal before me given the limited set of criteria against which a decision can be made. Therefore, the benefits I have identified above are not matters which are material to this appeal.

¹ Planning Application Ref: P172770/F

² Planning Application Ref: 152559

³ Planning Application Ref: 23/03286/FUL

Conclusion

20. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR