



Appeal Decision

Site visit made on 14 July 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2025

Appeal Ref: APP/A0665/W/25/3362674

Barn at, The Hall Lane, Rushton, Cheshire, CW6 9AX

- 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 Miss Emma Hodgson against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/03135/PDQ.
 - The development proposed is prior notification for change of use of agricultural building to one dwelling house together with associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the address as included in the application form for the purposes of the heading above.

Background and Main Issue

3. 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) (GPDO 2020), planning permission is granted for (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 (dwellinghouses) together with (b) building operations reasonably necessary to convert the building, subject to limitations and conditions.
4. Amendments to Schedule 2, Part 3, Class Q of the GPDO came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument. However, transitional arrangements allowed applicants to make an application for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020) until the end of 20 May 2025, in respect of development that would have been permitted under Class Q before 21 May 2024 but that would no longer be permitted under Class Q on and after this date. The application was received by the Council on 26 November 2024. The application form also indicates the application will use the permitted development rights as they stood prior to 21 May 2024, I have determined the appeal based on the previous provisions.
5. The Council refused the application under Part 3 Class Q.(c) of the GPDO 2024 on the basis of concerns about the structure of the existing building and that the

extent of works required to function as a dwelling would go beyond what is reasonably necessary to convert the building to a residential use. The Council's Officer Report also states that the proposed works would amount to a substantial rebuild rather than a conversion. In this context, it is clear that the reference to Class Q. (C) in the reason for refusal relates to the former Class Q. (b).

6. Therefore, the main issue is whether proposed building operations are reasonably necessary to convert the building to a dwellinghouse, such that it would constitute permitted development under Class Q, having regard to whether or not the scheme would constitute a conversion.

Reasons

7. GPDO Class Q (b) permits building operations reasonably necessary to convert the building. Paragraph Q.1(i) restricts these to the installation or replacement of (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i).
8. Planning Practice Guidance ('PPG') sets out that the permitted development rights under Class Q assume that the agricultural building is capable of functioning as a dwelling. Accordingly, building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission, would be permitted. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
9. The Council considers that the building operations would go beyond what is considered reasonably necessary to convert the building to residential use. The *Hibbitt*¹ judgment refers to the building being capable of conversion to a residential use without works that would be a complete or substantial rebuild to the effect that it would result in the creation of a new building. What represents a conversion or rebuild is not defined and thus is a matter of planning judgement on a case-by-case basis.
10. The appeal building is a single-storey L-shape barn with a corrugated profiled metal-clad roof. The external materials are timber except for the main access, which is formed of profiled metal cladding.
11. Two Inspection Reports have been provided, dated September 2023² (IR 2023) and November 2024³ (IR 2024). IR 2023 was submitted in support of an earlier application for the conversion of the appeal building. The Council notes that since the IR 2023 was written, a concrete floor has been added to the building. Given that work has taken place on the appeal building since the IR 2023 was written, it carries less weight; however, it has been carried out by a professional company, and I afford moderate weight to its findings.
12. The IR 2024 concludes, amongst other things, that there is slight movement in the right-hand leg, albeit no reconstruction is required. There are also

¹ *Hibbitt and Another v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

² Inspection report, dated 17 September 2023 prepared by Hodkinson Mallinson Limited

³ Inspection report, dated 15 November 2024 prepared by Brian Clancy Higby Partnership

recommendations for strengthening stud walls and purlins, as well as localised replacement/refixing of external timber walls along elevations. The report also notes that provided a replacement roof is no heavier than the existing roof, only localised remedial works will be required.

13. Additionally, the full condition of timber, and the cause and effect of damp ingress, has not been through a comprehensive appraisal. The IR 2024 confirms that no covered, unexposed or inaccessible areas of the building were examined. As such, it cannot be confirmed that all areas are free from defects.
14. The IR 2024 advocates that a replacement roof is required. I saw that it varies in condition and that roof panels are, in places, punctured with holes, and that light and moisture can enter. Its condition suggests a replacement roof is required to make the building habitable. A replacement of the existing corrugated profiled metal clad roof would unlikely be suitable for a habitable building. There is no suitably detailed information before me as to the type of replacement roof that would be required, or if the existing structures are capable of carrying the likely additional load.
15. There is also no suitably detailed information before me as to the extent of the existing fabric of the building that would be retained or replaced. Given the condition of external elements of the building, which are in many places, rotten, damaged or missing, it is probable that large areas will require replacement or significant repair if not replaced in their entirety.
16. The individual elements proposed, such as the new roof replacement and repair/replacement of exterior walls, windows and doors, are permissible, and some of the works are internal and are therefore not development requiring planning permission. However, it is necessary to consider the whole of the works involved and whether it would still amount to a conversion of the building, as opposed to a rebuild.
17. Therefore, while I acknowledge that the existing structure is sufficient for the existing use and incorporates a concrete floor, it nevertheless remains that significant building works would be required to the building. These would include a new roof, most if not all external walls, and potentially additional structural elements for the extra loading, as well as other works. Overall, the full extent of works that are required to facilitate its use as a dwellinghouse goes beyond what could reasonably be described as a conversion, and would be so extensive as to comprise a rebuilding.
18. I find that building operations proposed necessary to create a dwelling from the appeal building would not fall within the scope of that permissible under Part Q. Accordingly, the appeal scheme would not be permitted development under Schedule 2, Part 3, Class Q of the Order.

Other Matters

19. The appeal scheme is a resubmission of a previously refused application for the same building. Benefits from the proposed development have also been presented. However, my determination is restricted to the scope of the permitted development right relied upon, which does not allow for a balance with other considerations, if, as in this case, the proposal falls outside of the permitted development rights.

Conclusion

20. For the reasons given above, I find that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

A Hickey

INSPECTOR