



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/25/3363101

Vale Farm, Whitegate Lane, Winsford, Cheshire CW8 2AX

- 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 Challoner against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/03545/PDQ.
 - The development proposed is change of use of an existing 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 Issues

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) and Q.1(c) of the GPDO 2024 as scale of operational work required to alter the use of the building

would be beyond building operations reasonably necessary and the allowed floor space of any dwellinghouse would be exceeded.

6. Therefore, the main issues in the appeal are:

- whether the proposed development meets the requirements of Class Q, Part 3 of Schedule 2 of the GPDO, such that it would constitute permitted development; and
- if found to be permitted development, whether it would accord with the limitations and conditions of Schedule 2, Part 3, Class Q of the GPDO in respect of floorspace.

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 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 two-storey open-fronted barn, with a curved profiled metal-clad roof. Exposed open steel columns separate the barn into three separate areas at ground level, with an internal first floor sitting above blockwork. There are also open single-story sections to the side and rear.
11. The provided inspection report² is based on a visual inspection to determine the structural condition of the building. It concludes that the building is suitable for conversion without significant amendments to the existing structure. It also states the full condition of timber, and the cause and effect of damp ingress has not been through a comprehensive appraisal. Additionally, the inspection report confirms that no covered, unexposed or inaccessible areas of the building were examined, so it cannot be confirmed that all areas are free from defects.

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

² Inspection report, dated 15 November 2024 prepared by BRIAN CLANCY HIGBY PARTNERSHIP

12. Although the inspection report identifies that the roof sheeting will need to be overhauled, I saw myself that it varies in condition. I saw that roof panels are, in places, corroded and that light and moisture can enter the structure through gaps between the sheets, or through corroded sheeting itself and near the flank walls. Given the condition of some of the roof sheeting, it is probable that large areas of the roof will require replacement or repair if not replaced in its entirety. Similar levels of corrosion are found on the flank and rear wall cladding.
13. The individual elements proposed, such as the cladding, roof replacement, and installation of new exterior walls, windows and doors is 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.
14. Therefore, while I acknowledge that the supporting frame, concrete floor and lower blockwork base of the building may be currently sound, and capable of accommodating additional loading, it nevertheless remains that building works and demolition will also encompass a new external wall, cladding of existing external walls and potentially the total replacement of the roof, 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 rebuilding.
15. 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.
16. It follows that further assessment of other restrictions, limitations and conditions of Class Q, Part 3 is rendered unnecessary as it would not alter the outcome of the appeal.

Other Matters

17. The appellant sets out a lack of harm and benefits from the proposed development. 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, including fallback positions, if, as in this case, the proposal falls outside of the permitted development rights.

Conclusion

18. 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