



Appeal Decisions

Site visit made on 3 July 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/R0660/W/25/3363024

New House Farm, Middlewood Road, Poynton, Cheshire SK12 1TU

- 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 [specify part], Class [specify class] of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr C Boffey, c/o Wharfe Rural Planning against the decision of Cheshire East Council.
 - The application Ref is 24/3099M.
 - The development proposed is Prior approval for change of use of an agricultural building to a dwellinghouse (use class C3) and associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Prior approval for change of use of an agricultural building to a dwellinghouse (use class C3) and associated operational development at New House Farm, Middlewood Road, Poynton, Cheshire SK12 1TU in accordance with the application 24/3099M and the details submitted with it and subject to conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr C Boffey, Wharfe Rural Planning against Cheshire East Council. This application is the subject of a separate decision.

Preliminary Matters

3. Amendments to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) came into force on 21 May 2024 (GPDO 2024) under Statutory Instrument (SI) 2024/579. Article 10 of SI 2024/579 sets out transitional arrangements allowing 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 appellant sought prior approval under the transitional provisions.
4. The Council advised it determined the application on the basis of the GPDO 2024. However, they have acknowledged that the appellant's planning application form identified that planning permission was being made under the transitional

arrangements. The Council's statement of case acknowledges this and considers the proposal against the GPDO 2020.

5. The Council consider the development not to represent permitted development as they contend it does not meet the criterion under paragraph Q(b), Class Q, Part 3, Schedule 2 of the GPDO 2020. The Council has also indicated that it agrees with the assessment of compliance as listed in the appellant's Planning Statement¹ apart from the assessment of compliance concerning paragraph Q.1(i)(i)(aa) and (bb) and (ii). The wording in these paragraphs is not substantially different from the GPDO 2024. I have thus considered the appeal on this basis, and the main issues below reflect the provisions of Class Q of the GPDO 2020 (herein after referred to as the GPDO).
6. I am appointed to determine another appeal² at the same address. Whilst they raise similar issues, they are subject of separate decisions. There may be some duplication on matters, as they share structural and other surveys. However, I have addressed each appeal decision separately for clarity.

Main Issues

7. The main issue is whether the proposed development would comply with the requirements under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO 2020, with particular reference to whether the proposed building operations are reasonably necessary for the building to function as a dwellinghouse.

Reasons

8. The appeal site accessed via a single track access from Middlewood Road. The site comprises a farm complex with numerous agricultural buildings arranged relatively close together around a central circulation area, and agricultural fields. The agricultural appeal building has a half-height block work wall to the north, south and east elevations. The remainder of these elevations comprise timber boarding. There are no existing openings on these sides of the building. The barn has a concrete floor. The west facing elevation is largely open sided, with section columns with a cantilever canopy. The roof consists of fibre cement corrugated sheets supported by UB steel columns. The proposal seeks to utilise the building for one dwelling.
9. Article 3, Schedule 2, Part 3, Class Q(a) and (b) of the GPDO permits the change of use of an agricultural building to a dwellinghouse together with building operations reasonably necessary to enable the conversion. This is subject to various limitations and conditions in paragraphs Q.1 and Q.2.
10. Paragraph Q.1.(i) states that such development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse, and partial demolition to the extent reasonably necessary to carry out such building operations.
11. The existing building must therefore be suitable for conversion to residential use to benefit from the permitted development right. Whether the proposal constitutes a

¹ 1410/J230105 August 2024 by Wharfe Rural Planning - in the assessment table in Chapter 7, paragraph 7.1

² APP/R0660/W/25/3363033

conversion or rebuild is a matter of fact and degree, determined on the circumstances of the case. The Hibbitt judgment³, considered the difference between conversions and rebuilding, and I have had regard to this. However, it is also accepted that specific works might individually fall within the remit of Class Q.1(i) or constitute internal works, but that the cumulative extent of works is also a relevant consideration when determining what is reasonably necessary.

12. The structural survey considers that the building is of permanent and substantial construction, and that it would be capable to convert it to its proposed use without replacement of the main structure. The appellant has outlined both internal and external works, which the Council contend would cumulatively indicate the building is not a conversion.
13. Internally the proposal would involve provision of a new floor slab, internal load bearing structures, enhancement to purlins. Existing purlins will require enhancement to support the roof structure, which will likely be heavier. The survey suggests there is some corrosion, but that the remedy of this would not be significant. From my visual observations on site the structure appears to be sound and in accordance with the evidence presented with the structural report.
14. The Planning Practice Guide⁴ states that for the building to function as a dwelling under Class Q it may be appropriate to undertake internal structural works, specifically referring to allowing for a floor or internal walls. While the enhancement to the purlins is required due to the increase in roof loading, in line with the findings of the appellant's survey, I consider that this and the floor slab would relate to works reasonably necessary for the proposed conversion.
15. The proposal would also involve an external wall and internal walls would be constructed within the existing blockwork walls / timber boarding on three elevations. As a result of the open timber boarding, these walls would have a similar function to exterior walls, despite being internal features. However, they do not affect the structure or significantly alter the external appearance of the barn and would allow the doors and windows to be fixed within them. Given that these openings are expressly permitted, and they are not required to provide a structural support for the conversion as a whole, I find that it would be reasonably necessary to convert the building to a dwelling.
16. The proposal does involve numerous measures to convert the building. However, overall due to the retention of much of the existing building, and notwithstanding the timber boarding which although thin would be retained, the building operations even taken cumulatively, would not in my view amount to a rebuild.
17. I conclude that in this case the existing building is capable of conversion, the building operations proposed in the application are reasonably necessary to enable the building to be used as a dwellinghouse, and they do not amount to extensive rebuilding or the creation of a new building. Consequently, the use and associated works are permitted by Schedule 2, Part 3, Class Q of the GPDO.

³ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

⁴ Paragraph 105 Reference ID: 13-105-201806015

Other Matters

18. Comments were made in relation to the application, including the resultant appearance of the development, and effects on ecology and highway matters. The Council did not refuse the proposal on these grounds. The building will remain largely agricultural in appearance and suitable materials can be secured through conditions. The Council has advised that conditions relating to breeding birds and biodiversity enhancements would not be appropriate under this application type as the conditions requested do not relate to the matters of prior approval. Although the access to the site may be used by pedestrians as a public footpath, there are no concerns raised from the local highway authority. In any event the agricultural use of the land is likely to have facilitated numerous vehicular movements. Therefore I have no substantive evidence to come to a different conclusion on these matters.

Conditions

19. In accordance with Q.2(3) of the GPDO, an approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision. Therefore this does not need to be listed in the schedule of conditions.
20. Paragraph W(13) of the GPDO also allows for the imposition of other conditions reasonably related to the subject matter of the prior approval. The Council provided conditions with their appeal statement and as such the appellant had the opportunity to comment on these. I have amended the conditions as necessary in the interests of brevity and timing of the submission of details.
21. A condition specifying the approved drawings would be necessary for reasons of certainty. Conditions concerning materials are necessary for the appearance of the area. Conditions concerning the provision of vehicle parking areas or facilities is necessary given these are not on specified drawings. Conditions requiring a location for waste are necessary in the interests of the amenity of the development.
22. A condition concerning the approval of soil brought to the site is necessary to protect the local environment and future occupiers. A condition concerning unexpected land contamination would be necessary to protect the living conditions of future occupiers. A condition concerning a drainage strategy is necessary to ensure the site can be suitably drained and maintained. As the building is in situ, I have moved the timing of the submission of this prior to any foundation works. A condition requiring a coal mining activity report is necessary given the presence of former coal mining activity in the area.

Conclusion

23. For the reasons given above, the proposal accords with the requirements of Schedule 2, Part 3, Class Q of the GPDO and is permitted development. The appeal should be allowed and prior approval granted.

K Williams

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1410/J240082/003.1, 1410/J240082/004.1 and 2215 31.
- 2) Prior to the erection of external facing materials forming part of the development hereby approved specification and siting locations for the following shall be submitted to and approved in writing by the Local Planning Authority: external walls, windows, doors, rooflights, roofs and rainwater goods. The details shall include specification, colour, texture and material. The development shall be executed in accordance with the approved external facing materials details.
- 3) Prior to the erection of external facing materials forming part of the development hereby approved, a plan showing the site access and provision of two vehicular, surface, parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved parking scheme shall be implemented and made fully available prior to the first occupation of the development and thereafter retained.
- 4) Any soil or soil forming materials to be brought to site for use in soft landscaping shall be tested for contamination and suitability for use in line with the current version of 'Developing Land within Cheshire East Council – A Guide to Submitting Planning Applications, Land Contamination' (in the absence of any other agreement for the development). Prior to occupation, evidence and verification information shall be submitted to, and approved in writing by, the Local Planning Authority.
- 5) If during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and confirmation of this shall be reported to the Local Planning Authority (LPA). Prior to any further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme agreed in writing by the LPA.
- 6) Prior to any foundational strengthening forming part of the development hereby approved a detailed drainage strategy and maintenance schedule for the site shall be submitted to and approved in writing by the Local Planning Authority, in accordance with Gov.UK 'Standing Advice for Local Planning Authorities' (2022). This shall include drainage plans and summary of calculations and investigations). The works shall only be implemented in accordance with the approved scheme before the development is first occupied.
- 7) Prior to the first occupation of the development hereby approved details of storage and collection point for three standard domestic waste and recycling receptacles within the curtilage (red edge) of the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location of store, specification, elevations and materials for the waste/recycling store. The approved waste/recycling store shall be installed on a

prior to the first occupation basis and retained thereafter for the lifetime of the development.

- 8) Prior to any foundational strengthening forming part of the development hereby approved a Coal Mining Activity Report with any following mitigation recommendations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be executed in line with the approved Coal Mining Activity Report prior to the first occupation of the development.