



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: 2 September 2025

Appeal Ref: APP/R0660/W/25/3363033

New House Farm, Middlewood Road, Poynton, 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 3 Class Q 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 24/3097M.
 - The development proposed is the Prior Approval for change of use of an agricultural building to four dwellings.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 August 2025.

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 four dwellings at New House Farm, Poynton, SK12 1TU in accordance with the terms of the application, 24/3097M, and the details submitted with it, subject to the following conditions in the attached schedule.

Application for costs

2. An application for an award of costs was made by Mr C Boffey c/o Wharfe Rural Planning against Cheshire East Council. This application will be 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 maintains the development does not represent permitted development, for the same reasons given in their three reasons for refusal. The Council has also indicated that its assessment remains substantially the same, given the wording in the amended paragraphs is not significantly different from the GPDO 2024. I have thus considered the appeal on this basis, and the main issues below reflect the paragraphs of the GPDO 2020 (herein after referred to as the GPDO).
6. I am appointed to determine another appeal¹ at the same address. Whilst they raise similar issues, they are subject of separate decisions. Although there may be some duplication on matters, particularly as they share structural and other surveys, I have addressed each appeal separately.

Main Issues

7. The main issues are 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 curtilage complies with the requirements of the GPDO;
 - the proposed building operations are reasonably necessary for the building to function as a dwellinghouse; and
 - the location or siting of the building make it impractical and undesirable to convert.

Reasons

Curtilage

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 appeal building is constructed from timber cladding over a structural timber internal framework supported on concrete plinth with a profile metal sheeting roof. The building is largely closed to all sides with one side with large metal doors.
9. The proposal seeks prior approval for the conversion of the agricultural building into four dwellings. The dwellings would have access to space to the east of the building. The area of land to the east is currently separated from the farm yard area by fencing and comprises agricultural land. It is this area of land that the Council contends does not fall within the parameters of being curtilage. As such, they contend that development would not align with paragraph Q (a) of the GPDO and would not be permitted development.
10. The change of use permitted under the GPDO encompassed land within the curtilage of the building. The appellant's plan shows the purported curtilage

¹ APP/R0660/W/25/3363024

roughly commensurate with the length and width of the northern, eastern and southern elevations of the building. To the west is slightly wider section of land roughly half the length of it. The land immediate beside the eastern side of the building is separated from the from it and the farm yard by a fence and gate.

11. However, for the purposes of the Class Q of the GPDO curtilage is defined in Paragraph X of Part 3. This states that curtilage means a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
12. I have been provided with aerial photographs which show the land immediately beside the eastern elevation of the building as largely free from any storage, being an agricultural field. The appellant contends that it is likely this area was used in association with the barn. Although the aerial photos do not show this, they are a snapshot in time. There is no access from it, and access to this part of this site would need to be accommodated by land in front of the appeal building within the farm yard. The physical proximity and likelihood it would be used in association with the building due to the ownership, function of the land and buildings is compelling.
13. The appellant's measurements indicate that the floor area of the agricultural building is 425.35m². The Appellant states the curtilage would be 425.12m². These have been derived from CAD drawings. The Council's figures state 424.394m² for the appeal building and have included a large measurement of the site area as 849.925m². These figures are based on the proposed site plan, but it has not been stipulated what measuring tools have been used. In my view CAD potentially offers more precise readings and given the small discrepancies between the measurements from both parties I am minded to accept the appellant's figures in this respect.
14. However, the area demarcated by the site boundary line would result in an area of land around the building concerned which would be no more than the land area occupied by that building. Because of that the proposal would in any event meet the definition of curtilage set out in paragraph X b) of Schedule 2, Part 3 of the GPDO. As such, the proposed development would relate to land all of which is within the curtilage of the building concerned permitted by Schedule 2, Part 3, Class Q (a).
15. I appreciate that the LPA contends that the land is larger, the development could only lawfully proceed if it is in accordance with the submitted plans and is in fact permitted development having regard to the relevant conditions and limitations imposed on the planning permission granted by the GPDO.

Building operations

16. 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.

17. 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.
18. The existing building must therefore be suitable for conversion to residential use to benefit from the permitted development right. Whether the proposal constitutes a conversion or rebuild is a matter of fact and degree, determined on the circumstances of the case. The Hibbitt judgment², 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.
19. 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.
20. 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 primary structure. Existing rafters will require enhancement to support the roof structure, which will likely be heavier, but this can be done in situ. Internally the proposal could involve provision of a new floor slab and internal walls could assist in carrying additional loads.
21. In order to be able to fix window and doorframes within the existing external cladding, additional secondary structure will be necessary, which would transfer the loads back to the main structure. 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.
22. Although the structural survey has been undertaken without further exploration or testing, it has been produced by an accredited structural engineer, and I afford weight to the findings and conclusions. From my visual observations on site the structure appears to be sound and in accordance with the evidence presented with the structural report.
23. However, due to the retention of much of the existing walling, roof that it would be capable of conversion to residential use and the proposed building operations would not amount to the complete or substantial re-building of the pre-existing structure. Cumulatively the works would be reasonably necessary and would not amount to a rebuild.
24. 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

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

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.

Location or Siting

25. The Planning Practice Guide (the PPG) refers to what is meant by impractical or undesirable³. Impractical reflects that the location and siting would not be sensible or realistic, and undesirable reflects that it would be harmful or objectionable. However, policies in the Framework, such as those protecting Green Belts, are not relevant to what is impractical or undesirable.
26. Noting that there are no objections from the Lead Local Flood Authority, Highway Authority or Environmental Health, it has not been demonstrated that a satisfactory living environment could not be achieved for future residents, or that neighbours would be adversely affected.
27. The area to the east of the building is a consolidated space adjacent to the entrance door. It is currently undeveloped agricultural land. The proposal would thus encroach into the countryside. However, the space would be adjacent to the long elevation of the building which would allow access to external space for the two-bedroom dwellings. The use of that space would be neither harmful nor objectionable.
28. I am therefore unconvinced that the location or siting of the proposal would result in an undesirable form of development due to the provision of the external space. Furthermore, the purpose of the introduction of the Class was to increase the supply of housing through the conversion of agricultural buildings which by definition will very frequently be in the open countryside.
29. Accordingly I conclude that the siting of the proposal would not result in development that would be impractical or undesirable. Consequently, the proposal would satisfy Schedule 2, Part 3, Q.2(1)(e) of the GPDO.

Other Matters

30. 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 ecological/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, and is narrow, there are no concerns raised from the local highway authority. There is no evidence the proposal would block the public right of way. In any event the agricultural uses is likely to have facilitated numerous vehicular movements. Therefore I have no substantive evidence to come to a different conclusion on these matters.

Conditions

31. 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

³ Paragraph: 109 Reference ID: 13-109-20150305

of this decision. Therefore this does not need to be listed in the schedule of conditions.

32. 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.
33. 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
34. A condition concerning the approval of soil brought to the site is necessary to protect the local environment, 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.

Conclusion

35. 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/J240082/001.1; 1410/J240082/002.1; 221521; and 221522.
- 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 parking spaces for the proposed four dwellings measuring 4.8 x 2.5m shall be submitted to and approved in writing by the Local Planning. The approved parking scheme shall be implemented and made fully available on a prior to first occupation of the dwelling basis and retained thereafter for the lifetime of the development.
- 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 or insertion of internal floors or walls 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 be implemented in accordance with the approved scheme before the development is brought into use.
- 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 each 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 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.

End of Schedule