



Appeal Decision

Site visit made on 22 July 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/A0665/W/25/3364733

Park Side Farm, Crown Lane, Nether Peover, Cheshire WA169QA

- 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 Stuart Halman of Les Halman Nurseries against the decision of Cheshire West and Chester Council.
- The application reference is 24/03750/PDQ.
- The development proposed is the change of use of an existing agricultural building into 5 no. residential units with associated amenity and parking.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 3, Class Q(c) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereafter “the GPDO”) permits development consisting of a change of use of a building that is part of an established agricultural unit and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order¹, together with the building operations reasonably necessary to convert that building.
3. In considering proposals for development under Class Q, a determination must first take place as to whether the proposal constitutes permitted development. In the event that it does, Paragraph Q.2.(1) requires the local planning authority to assess the impact of the proposed development on a limited number of “prior approval” matters. The Council raised no concerns regarding the impact of the scheme on these.
4. The application was refused on the basis that the scale of operational work required to alter the use of the building to that of dwellinghouses would be beyond what might be sensibly or reasonably described as a conversion, and that it would not therefore be permitted development in the first place.
5. The main issue is therefore whether the proposal represents permitted development under Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of building operations proposed.

Reasons

6. The appeal site comprises a single-storey building currently in use as storage, workshop and office space (which I shall refer to hereafter as “the appeal building”), an adjoining glasshouse, and external hardstandings and parking areas.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended).

It sits within a larger area of land occupied by the appellant's horticultural business, on the eastern side of Crown Lane in the countryside between Swan Green and Lower Peover.

7. The appeal building is in two distinct parts. The front three bays (at the north-western end) are evidently older. They are brick-built, with "loft" storage areas under the central part of the steeply-pitched asbestos sheet roof. The two bays at the rear have a steel frame set in a concrete base, with concrete block side walls to approximately 1.4m high with metal sheeting above, and a metal sheet roof; they form a double-height space open across the full width of the rear (south-eastern) elevation. The proposed development would provide five residential units in the appeal building, each having a kitchen and lounge on the ground floor and two bedrooms and a bathroom on the first floor. The scheme would also involve the demolition of the adjoining glasshouse, and the formation of gardens, parking and access for the dwellings, as well as the installation of septic tanks and drainage fields. The submitted site layout also shows that a parking and turning area would be created to serve an existing group of static caravans (which themselves sit outside the "red line" site boundary, but within the wider "blue line" boundary).
8. Paragraph Q.1(j) of the GPDO lists the building works permitted to facilitate the change of use under Class Q(c). These are the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, as well as partial demolition to the extent reasonably necessary to carry out these building operations. The Planning Practice Guidance ("the PPG") provides further information, stating that the right assumes that the agricultural building is capable of functioning as a dwelling².
9. The PPG adds that it is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right. Both parties referred to the judgment of the High Court in *Hibbitt*³ in which it was held that, for permitted development rights under Class Q to apply, the building must be capable of conversion to residential use without operations that would amount to a rebuild of the existing structure or a fresh build, as such works would go beyond what could be considered a conversion.
10. There are differences between the building in *Hibbitt*, which was a steel portal-framed barn open on three sides, and that in the case now before me. Nonetheless, *Hibbitt* sets principles which are applicable to this appeal, not least that permitted development rights should be construed conservatively and narrowly, that Class Q is in place to permit the conversion of "clear-cut cases" and therefore there are inherent limitations, and that it is for the decision maker to exercise judgement in each case by considering the type and extent of works proposed.
11. Although its roof would need to be completely replaced, much of the structure of the brick front section could be retained and its window and door openings reused for the proposed dwellings. An existing opening – measuring approximately 20% of the width of the front elevation – would be infilled with brickwork, but this would not be structural. In the rear section, it is the appellant's case that the elevations would

² Paragraph: 105 Reference ID: 13-105-20180615

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

have new openings, timber cladding fitted to replace the existing metal cladding, and the roof material replaced; the proportion of existing fabric which would be retained here is not set out. It is not a requirement of Class Q of the GPDO that a structural survey should be provided. However, in the absence of one here there is nothing to demonstrate that the existing foundations, slab and steel frame of what appears to be the relatively lightweight structure of the rear section would be capable of bearing, for example, the weight of the proposed first floor, or the wind loadings on the new timber clad wall which would infill the open gable south-eastern end.

12. The individual elements of the works proposed, so far as they have been specified in either the Planning Statement submitted with the application or the appellant's appeal statement, may well fall within the scope of Paragraph Q.1(j). However, as I have set out in the preceding paragraph it has not been demonstrated that the existing building would in fact be able to function as a dwelling without significant structural intervention. Furthermore, other elements of the scheme would, to my mind, fall more clearly outside the scope of Paragraph Q.1(j).
13. Although the removal of the adjoining glasshouse would provide the space for gardens for the proposed dwellings, it is a large structure with a floor area of some 3,200m² (by the Council's calculation). The clearance and the remediation of that part of the site would appear to go beyond the definition of "partial demolition" in the GPDO. While the installation of drainage "to the extent reasonably necessary" is permitted, the proposed installation of septic tanks and the creation of a large area of drainage fields would be a significant undertaking in its own right. Finally, the creation of parking and turning areas on part of the cleared glasshouse site would be related to the nearby caravans rather than associated with the conversion of the appeal building to dwellings.
14. In reaching this decision I have had regard to other appeal decisions to which my attention was drawn. These include *Hayes Gate Farm*⁴ where the Inspector concluded that the infilling of gaps, and the changing of exterior materials did not fall outside of the permitted building operations; *Lower Dickfield Farm*⁵ where the Inspector found that the extent of works for a building which had "not been weakened, damaged or destroyed" would not amount to rebuilding; and *Dutch Barn*⁶, which addressed the issue of the amount of external fabric to be replaced.
15. I do not know the precise details of each of these other appeal schemes, but each has one or more individual elements which appear similar to this one. However, as the Inspector in the *Dutch Barn* decision noted, "given that the central issue requires the exercise of planning judgment, it is perhaps not that surprising that appeal decisions involving other agricultural buildings illustrate judgements both for and against specific proposals". Although I do not disagree with any of the other Inspectors' conclusion, given the specific issues in this appeal, including the scale of works elsewhere on the site beyond those proposed to the appeal building itself, it is not clear that the other decisions are directly comparable; they do not lend significant weight in support of this proposal.
16. Taken as a whole, the building operations which would be required to provide a building suitable for residential use would be extensive and significant. In my view

⁴ PINS Ref: APP/B3438/2/18/3202031

⁵ PINS Ref: APP/T4210/W/17/3182611

⁶ PINS Ref: APP/J1860/W/20/3265391

these would cumulatively be of a scale that would go well beyond what would reasonably be considered a conversion of the existing building, and indeed some elements such as parking and turning areas for caravans would not be directly related to it at all. I therefore conclude that the proposed development would not be permitted development.

Conclusion

17. For the reasons given above, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. It is development for which an application for planning permission would be required.
18. The appeal is therefore dismissed.

M Cryan

Inspector