



Appeal Decision

Site visit made on 19 August 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/A0665/W/25/3365493

Land At Jackswood Farm, New Hey Lane, Willaston, Neston CH64 2UU

- 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 C Moore against the decision of Cheshire West and Chester Council.
 - The application Ref is 24/02811/PDQ .
 - The proposed development is described as: "Conversion of an agricultural barn to two dwellings complying with the nationally described space standards accompanied with services including adequate parking facilities, ventilation, electrical and drainage."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the final comments stage of the appeal, the appellant introduced additional evidence including an excerpt from an ADAS report, photographs and a letter from SwitchWire Electrical. These documents have not been subject to public consultation, but the Council has had an opportunity to formally consider and comment on them as part of the appeal. Furthermore, the documents do not amount to a substantial difference to the application. Given this, accepting them at this stage would not be unfair or deprive those who should have been consulted, the opportunity of such consultation. Therefore, having regard to the principles of Holborn¹, acceptance of them would not be procedurally unfair and I have taken them into account in determining this appeal.
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 this SI sets out transitional arrangements allowing for a determination as to prior approval under the previous provisions of Class Q of the GPDO (GPDO 2020), 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. Prior approval was not sought under the transitional arrangements, and I have therefore determined the appeal on the basis of the GPDO 2024.

Background and Main Issues

4. Under Schedule 2, Part 3, Class Q of the GPDO 2024, hereafter referred to as 'Class Q', development is permitted for a change of use to a dwellinghouse (Use

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Class C3) of (a), (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, together with (b), the extension of the building, and (c) building operations reasonably necessary to convert the building, subject to limitations and conditions.

5. Paragraph Q1 does not permit development (a), in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit (i) on 24 July 2023, or (ii) where the site became part of the established agricultural unit after 24 July 2023, for a period of at least 10 years before the date development under Class Q begins. Q1 (o), does not permit development of an existing building that would not be capable of complying with the nationally described space standards (NDSS).
6. The Council considers that the proposal includes land beyond the curtilage of the building, and the proposed conversion works go beyond that reasonably necessary to convert the building. On this basis they consider that the proposal would not benefit from permitted development rights as stated in Q (a) and (c). The Council also contends that the site does not meet the provisions of Paragraph Q1 sections (a) and (o). Furthermore, the Council considers that had permitted development rights applied, the location of the building would make it impractical or undesirable for the building to change from an agricultural use to a C3 dwellinghouse use, due to the proximity to an equestrian enterprise.
7. The main issues in this case are therefore:
 - whether the proposal would constitute permitted development under Schedule 2, Part 3, Class Q of the GPDO 2024; and
 - if the proposal does constitute permitted development, whether the location would be impractical or undesirable for the building to change to dwellinghouses, in regard to its proximity to an equestrian business.

Reasons

The agricultural unit

8. An agricultural building is defined within the GPDO 2024, as a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. 'Agricultural use' refers to such uses. The GPDO 2024 states that 'established agricultural unit' means, for the purposes of Class Q, agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013, or for 10 years before the date the development begins.
9. The appellant asserts the building was used as an agricultural building on 24 July 2023 and had been so for more than 10 years prior to this. Also, that the site was part of an established agricultural unit on 24 July 2023. A 'statutory statement' has been supplied by the appellant, alongside other information. Whilst names from the statement are redacted, the Council does not dispute that this is written by the appellant and is relevant to the appeal.
10. The appellant states that Jackswood Farm was purchased in 1995 and included the appeal building. It has an Agricultural Holding Number; PCH No 06/440/0017. The building was altered by the appellant, including the installation of two rows of

animal stalls on an unspecified date. It was used from 1996 until either 1998 or 1999 for foaling mares and also used in part for the appellant's son's pig rearing enterprise during that period. In 1998, the remaining acreage was farmed by others for crop rotation. In 1999 horses ceased to be kept on site, and the pig enterprise ceased in 2000. The appellant also states that this was the last time the building was in use for livestock (including horses), and it has been used for storage of farm equipment and other materials such as fuel or fertiliser ever since.

11. Evidence submitted in support of the above includes an excerpt from an ADAS report, which is from 1998. This states that, at that time, the site was an existing agricultural business with buildings and refers specifically to the pig rearing enterprise and crop rotation. Also submitted, is a letter from the director of SwitchWire Electrical dated July 2025. This states that the author did not see any active use of the appeal building whilst he was involved in the construction of a horse riding arena in 2012, and that it contained 'old looking farm related items'. It also states that during various jobs at the location the building still contained similar items and was not in active use.
12. A number of black and white photographic images were also supplied, annotated with the date 2009. These are low quality copies, however, most show a wider site with little sign of active use, for example no machinery, animals, feed or waste. One photograph however clearly shows an animal stall inside the open door of the appeal building, and the Council also reference a committee report from 2009², that describes the building as fitted out with stables. This is much like the animal stalls I observed on site.
13. The evidence indicates that the building had a joint use for both the foaling of mares, and as part of the pig rearing enterprise, and that this had taken place for a period of around four years between 1996 to 1999. No evidence has been presented that the foaling of mares formed part of an agricultural use. At most there had been a short period circa 1998 to 2000, in which it was used solely for agriculture as a trade or business. That enterprise then ceased.
14. Even with an agricultural holding number, no detail has been presented in respect of the farming enterprise that was being carried out prior to the purchase of Jackswood Farm, or if it continued, and there is no evidence of continued use of the land for crop rotation. Indeed, during my site visit, I observed that the fields to the north east of the building were fenced off for equestrian use, with a separate narrow strip of land given over to a building for keeping birds, a caravan, and rough grass. Moreover no evidence has been presented that the storage of farm related items after 2000, relates or related to an ongoing agricultural trade or business.
15. The appeal building is included within the planning permissions for the equestrian business, dated 2009 and 2022³, and I am advised that the equestrian use has commenced. The Council's Planning Officers visited the site in consideration of the 2022 application, and the application the subject of this appeal. Both visits observed the storage of ad hoc items and during the latter visit the building had been swept out. During my site visit I observed that the building was empty with the exception of a pipe and some tools, and that a gate separates the access track that runs alongside the appeal building from the adjacent barns. Regardless of the

² 09/20104/FUL

³ 09/20104/FUL and 22/04206/S73.

use of the adjoining buildings, I have no evidence before me of any equestrian usage of the building. Furthermore, even though the building is fitted out with animal stalls, the evidence leads me to conclude that this took place prior to the 2009 planning permission. There is therefore no evidence before me that the building is more intimately associated with the equestrian use.

16. Nevertheless, I am required to be satisfied that the site was agricultural land occupied as a unit for the purposes of agriculture, and so used as a trade or business, on or before 20 March 2013, or for 10 years before the date the development begins. Also that it remained part of that 'established agricultural unit' on 24 July 2023. Owing to the lack of evidence to that effect, I am unable to conclude that the building was part of an established unit on the 24th July 2023.
17. For the reasons given, I am not persuaded that the site meets the parameters of Class Q (a) and Q1 (a) of the GPDO 2024, and therefore the proposal is not permitted development.

Curtilage

18. Q3 provides the interpretation of Class Q. It states that 'curtilage' means the lesser of: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and (b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.
19. The location plan shows a red edged site area that surrounds the building that exceeds the site area occupied by the appeal building. Furthermore, the location plan shows the site area to protrude into the field, beyond the area closely associated with the appeal building.
20. The appellant asserts that the red line boundary identifies the planning unit and illustrates existing functional arrangements, and that there is no suggestion that these elements are proposed for primary residential amenity space. However, it was clear from my own site visit observations that the field is physically and functionally separate from the area associated with the building, as it forms part of the adjoining field, separate from the hard-surfacing, and is enclosed with fencing. Furthermore, the proposed site plan mirrors the area edged red and is annotated such that the land extending into the field would be 'garden.'
21. The appellant suggests that the extent of land to be used as curtilage can be strictly limited to that which is permitted under Q3. However, no information is before me to establish compliance with the relevant definition of curtilage.
22. Overall, I am unable to conclude that the development would fall within the scope of that permissible under Class Q (a) of the GPDO 2024. Accordingly, the proposal would not be permitted development on this basis.

Reasonably necessary building operations

23. Advice on the interpretation of Class Q is contained within paragraph 105 of the Planning Practice Guidance (PPG). It advises that 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. The guidance also draws

attention to relevant caselaw⁴ on the difference between conversion and a rebuild. The latter would not be permissible under Class Q, but the judgment in each case is one of fact and degree. Paragraph 105 also provides advice on reasonably necessary building operations and includes the installation and replacement of windows, doors, roofs amongst other things, and advises that it may be appropriate to undertake internal structural works, including internal walls.

24. The building is steel portal framed on a concrete slab, with an asbestos sheet roof. The external walls comprise concrete block lower walls with vertical and spaced wooden boarding above. The only openings serving the building are door openings on both gable ends. The walling and roofing is intact.
25. The appellant has provided a structural survey report dated from 2020. The report identifies that the foundations have scope for additional loads, however the frames would not support a roof covering heavier than the existing, and it further suggests that the load should preferably be lower than existing. It also recommends that a new ceiling sits on an internal block or studding wall, built directly off the slab.
26. Whilst the appellant states that the floor slab would be utilised, and the existing external walls would be retained and lined internally with metal insulated framing finished internally with plasterboard. They also advise that the frames would remain. However, no information has been provided in respect of any replacement roof covering and its loading, and I cannot be certain based on the available evidence, that the frame would be an integral part of the structure of the building.
27. The existing building does not benefit from natural light entering the building, other than through the gaps within the wooden boarded walls and when the doors are open. The insertion of doors and windows is permissible under the permitted development criteria; however the proposal is heavily reliant on a significant number of such openings in order to provide suitable natural light levels.
28. Taking these two factors together, I consider that the building operations required to enable the building to function as a dwelling would go beyond that reasonably necessary to convert the building.
29. For these reasons, I conclude that the proposal would not fall within the scope of that permissible under Class Q (c) of the GPDO 2024, and the proposal would not be permitted development on this basis.

Space standard

30. Bedroom two of each dwelling would fall below the NDSS, however, this is only due to the positioning of internal walls. The proposed dwellings would be within the requirements of the NDSS as a whole, and this is not disputed by the Council. The proposal is therefore capable of complying with the NDSS, as required by the terms of Class Q (o). As such the proposal would comply with the provisions of Class Q (o) of the GPDO 2024.

Other Matters

31. Since I have determined that the proposal would not be permitted development, there is no need for me to consider whether the location is impractical or undesirable for the proposed use.

⁴ Hibbitt and Another v SSCLG (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

32. The proposal would provide two dwellings, which the appellant states would be of a size suitable for local people or those working in agriculture receiving modest salaries. However the matters for consideration are restricted to those set out in the relevant paragraphs of the GPDO 2024. Therefore, these other factors fall outside of the matters I can consider.

Conclusion

33. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

E Heron

INSPECTOR