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## Appeal Decision

Site visit made on 4 November 2025

by **N Teasdale BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> November 2025

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### Appeal Ref: **APP/K0940/W/25/3370332**

### Town End Farm, Little Strickland, Penrith CA10 3EG

- 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) (GPDO).
  - The appeal is made by Viscount Lowther Trust against the decision of Westmorland and Furness Council.
  - The application Ref is 2024/2425/PACOU.
  - The development proposed is change of use of an agricultural building to a dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Viscount Lowther Trust against Westmorland and Furness Council. This application is the subject of a separate decision.

### Preliminary Matters

3. The description of development in the above banner heading has been taken from the decision notice and appeal form as this accurately and concisely describes the proposed development.
4. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development
5. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 came into force on 21 May 2024. Transitional arrangements set out in Article 10 of the amending Order applied to applications submitted until the end of 20 May 2025. This appeal relates to the permitted development right as it stood prior to May 2024 and I have determined the appeal on this basis.
6. The appellant has submitted a number of plans along with this appeal including Proposed Elevations Drawing No. 2282/20 102 Revision A and Retained versus New Drawing No. 2282/20 105. These plans do not materially alter the scheme as submitted, and the Council has also had the opportunity to comment on such

plans. My acceptance of these plans would not be prejudicial to interested parties, and I have therefore taken these into account in reaching my decision.

## **Background and Main Issue**

7. Under Article 3 (1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for development consisting of— (a) 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) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to limitations and conditions.
8. Paragraph Q.2 (1) states that where the development proposed is development under Class Q (a) together with development under Class Q (b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to— (a) transport and highways impacts of the development, (b) noise impacts of the development, (c) contamination risks on the site, (d) flooding risks on the site, (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, (f) the design or external appearance of the building, and (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.
9. Paragraph W. (3) states that the local planning authority may refuse an application where, in the opinion of the authority— (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, except for conditions in paragraph M.2(1) (f), paragraph N.2 (1) (e), paragraph O.2(1) (e), paragraph PA.2 (1) (v), or paragraph Q.2 (1) (g), limitations or restrictions specified in this Part as being applicable to the development in question.
10. The Council's reasoning for refusal states that the prior approval application details submitted provide insufficient information to enable the Local Planning Authority to establish whether the proposed development complies with the requirements of Schedule 2, Part 3, Class Q (b) and paragraph W of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) specifically whether the development in question and the intended work is for the conversion of a building which is capable of conversion.
11. The main issue is therefore whether the development complies with the requirements of Schedule 2, Part 3, Class Q having particular regard to the building operations required to convert the building.

## **Reasons**

12. The building to which this appeal relates is a modern, steel framed building with a curved/barrelled roof over the central section of the building which is taller than the two lean-to roof parts to the northeast and southwestern sides. There is a further

fourth section of the building to the southwest with a pitched roof which lies outside of the appeal site but forms part of the building forming an enclosed end elevation through reliance on an adjacent boundary wall.

13. The building comprises a mixture of materials including some lower block walls and corrugated steel sheet cladding with timber side rails. The roof comprises fibre cement sheeting and metal sheeting and there is an open section of the building to the north. The northeast side of the building and part of the southeast elevation are both currently below the adjacent land level. Internally there is a difference in floor level between the northeastern lean-to section and the remaining building of around 1 metre with an internal wall separating the eastern lean-to from the central barn element and western areas.
14. The building is located to the east of the dwelling known as Townend Farm, which is a grade II listed building and to the southeast of a number of agricultural buildings where some are also considered to be listed by virtue of curtilage. Access to the building would be taken from the existing gated access to the northwest where it joins the main public highway.
15. The proposed development seeks prior approval for the conversion of the barn to create a two-storey four-bedroom residential unit. The dwelling would be formed on the site of the higher, curved roof part of the building and the lower northeastern lean-to section of the building. The western lean-to is to be demolished.
16. The Council raise doubt regarding the building onsite as required by Q (a) of the GPDO given the further covered bay which forms part of the same building but falls outside of the appeal site. The GPDO defines a 'building' as any structure or erection...including any part of a building. I therefore see no reason why the part of the building proposed for conversion would not meet the requirements of Q (a) of the GPDO.
17. As set out above, in order to benefit from permitted development rights, the appeal is subject to certain limitations and conditions. Paragraph Q.1 (i) explains that development is not permitted by Class Q if, the development under Class Q (b) would consist of building operations other than— (i) 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).
18. The Planning Practice Guidance (PPG) provides further clarification about the scope of the permitted development operations<sup>1</sup>. It explains that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. 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. What represents a conversion is not defined and thus is a matter of planning judgement. Case law<sup>2</sup> deals with the difference between

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<sup>1</sup> Paragraph 105 PPG.

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

conversions and rebuilding dealt with under Class Q. The Judgment in the Hibbitt case confirms that there will be numerous instances where the starting point (the “*agricultural building*”) might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. It goes on to explain that the correct view was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.

19. The proposed development would result in the demolition of the southwestern lean-to leaving the southwestern elevation of the higher barrel roof section of the building open. As a result, the construction of a new southwestern elevation would need to be built. The majority of the northwest elevation would also need to be newly constructed given the absence of existing cladding across much of it.
20. The blockwork lower walls of the northeast and southeast elevations would be retained although the Structural Survey identified erosion and bulging to these walls which would require attention. The steel frame would be retained and again the Structural Survey sets out areas of damage/corrosion, outward lean and buckling. Such areas of damage were observed as part of my site visit. The upper steel sheet cladding and the roof covering would be retained. However, areas of cladding were missing and damaged with gaps through particularly between the barrel roof and the lean-to roof which is an area to be retained. Such cladding would not usually have the kind of life expectancy necessary for use in construction of a dwellinghouse. This is because it is somewhat flimsy and lacks structural integrity. The submitted ‘Proposed Elevations’ includes a caveat that would allow for the replacement of the existing cladding on the retained elevations (where required) and thus has the potential to allow for the replacement of external wall covering as well as the roof.
21. This in turn would allow the creation of a dwelling based on the retention of a small section of the existing building including a section of the existing steel frame. All of which would require repair/strengthening work.
22. The conversion would require a new insulated floor and installation of new internal either timber or block walls – tied to and reliant on the block wall/steel frame which would be built off the concrete slab and would support the first floor. The Appeal Statement explains that windows and doors would be fixed to the insulated internal envelope on both the ground and first floors.
23. Given that the inner walls are to be tied to and reliant on the steel frame, the steel frame would indeed carry some of the weight of the inner walls and first floor as well as windows and doors which are extensive in their number and size including 8 roof lights which would replace translucent sheet panels. It is not clear if the foundations and baseplates to the columns can suitably carry the extra load imposed by the scheme. The Structural Survey states that the steel frame would be suitable to support a lightweight cladding, like the existing.
24. In addition to the above, the ground which the lower block walls retain may need to be excavated with new retaining structures built in order to achieve the full height for the northeast and southeast elevations. I note that retaining walls are not proposed but I am not sufficiently satisfied that they would not be needed given the change in levels across the site. The appellant intends to scrape back the material

and does not consider this to be classed as development. However, such engineering and construction works would be outside the limited type and scope of works permissible under Class Q. The appellant has suggested the option of submitting a separate planning application for those works but I must consider the scheme based on the provisions of Class Q where such works would clearly be beyond those permitted.

25. Whilst the works set out in paragraph Q.1 (i) can be extensive, the extent of fabric that is to be retained and used, along with the number of elements that are required in order to facilitate the conversion, needs to be assessed as a whole rather than in isolation. With this in mind, the totality of the works would be so extensive that they would be beyond a conversion and beyond the permitted building operations under paragraph Q.1 (i). What would be left of the existing agricultural building would be so skeletal that the works would in reality be a new build dwelling
26. The appellant sets out that the new wall for the western elevation would be internal works/not development and from there once the building envelope is formed, the western lean-to would be demolished and removed. I note the guidance contained in the PPG regarding internal structural works, but I am not convinced that this allows for such an approach to be taken. Whilst this wall may be built as an internal element initially, it would form the external elevation of the dwelling and is a fundamental structural element of the conversion. Further, I have considered the works as a collective opposed to one element.
27. The evidence before me along with my own observations on site has sufficiently enabled me to carry out a full assessment regarding the conversion works. However, for the reasons set out above, the proposed development would fail to meet the provisions of Class Q and Q.1, and as such Part W is not met. Consequently, there is no requirement for me to further consider the remaining parts of Class Q including Q.2 criteria. Where such were to be considered, I would have addressed the impact of the development on the setting of the surrounding listed buildings.

### **Other Matters**

28. The proposed development may improve the economic, social and environmental conditions of the area but the development would still need to comply with the specific requirements of Class Q which this scheme does not.
29. I am aware of the appellant's frustrations with the Council during the course of the application process, but this would not alter my findings in relation to the above main issue.

### **Conclusion**

30. The proposed development would not accord with the requirements and limitations of Class Q of the GPDO. The appeal should therefore be dismissed.

*N Teasdale*

INSPECTOR