



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: 25 November 2025

Appeal Ref: **APP/K0940/W/25/3372704**

Street House Farm, Great Strickland, Penrith CA10 3DX

- 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 2025/0906/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.

Procedural Matters

2. 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.
3. 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.

Background and Main Issue

4. 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
5. The Council's reasoning for refusal states that the proposed works would go well beyond what could be considered a conversion, and what would be left of the existing agricultural building would be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that the proposal would constitute a new build dwelling. It goes on to state that the proposal lacks

sufficient evidence to demonstrate otherwise, and the proposed development therefore fails to demonstrate that the requirements of Schedule 2, Part 3, Class Q of the GPDO would be met.

6. The main issue is therefore whether the proposed development complies with the requirements of Schedule 2, Part 3, Class Q particularly in relation to building operations reasonably necessary to convert the building.

Reasons

7. The appeal site comprises a large existing agricultural building which is a double span portal framed building with a mix of cladding materials including lower concrete panels and blockwork with some timber and/or fibre cement cladding above. It has a double pitched roof constructed from fibre cement cladding. The building is the most southerly building of a number of other agricultural buildings/storage sheds which are mainly located to the east and south of the existing dwelling that is located on site. The farmstead is currently vacant and with the exception of the building subject to this appeal, is currently being advertised for sale.
8. The proposed development seeks prior approval for the conversion of the barn to create a two-storey five-bedroom residential unit. The dwelling would retain the southwestern-most part of the existing building structure and access would be taken from the existing gated access point to the southwest of the building where it joins the main road.
9. 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).
10. The Planning Practice Guidance (PPG) provides further clarification about the scope of the permitted development operations¹. 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 law² deals with the difference between 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

¹ Paragraph 105 PPG.

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

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.

11. I appreciate the differences in the Hibbitt case to the appeal I am considering but I find the above commentary to be a more general discussion regarding the differences between conversion and rebuilding as part of Class Q which I find to be relevant in the particular circumstances of this case.
12. The proposed development would result in substantial demolition of approximately two thirds of the existing building (retaining just the southwest corner). The proposed development would also construct two new building elevations being those to the north (albeit tied into the existing structural frame) and east. Although there is no limiting factor in terms of how much of an existing building can be demolished, it is quite clear to me that the demolition of approximately two thirds of the existing building and construction of two new building elevations is extensive and over and above that reasonably necessary to carry out building operations.
13. The Supporting Statement explains that the remainder of the steel frame, external walls, and cladding (walls and roof) would be retained. The corrugated sheeting which clads the elevations have areas of damage and comprise an irregular arrangement of sheets which do not lend to being retained. To this end, the submitted As Proposed drawing includes a caveat that would allow for the replacement of the existing cladding (where required) and thus has the potential to allow for the replacement of external wall covering as well as the roof.
14. 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. The steel frame would require additional bracing for support as well as works where they have undergone excessive corrosion/deformation along with general repairs to masonry. 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 as well as the insertion of several new windows and doors. The Supporting Statement explains that all new windows and doors on the ground floor would be supported by the new insulated ground floor slab and those on the first floor supported by the first floor and retained in place by the surrounding block or timber inner-leaf of the proposed dwelling. This indicates that the existing building is not sufficiently robust to bear the loading from the proposed works, and the proposed floor is a required structural element of the proposal.
15. Permitted development rights under Class Q assume that the existing agricultural building is capable of functioning as a dwelling. Given the works required here, it is clear that this building is not.
16. 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.
17. The appellant contends that the works such as the proposed structural floor slab and works to internal and external walls could have been carried out without

planning approval prior to submission. However, this has not been the case, and I must determine the scheme based on present circumstances. I am also not convinced that such works would be undertaken given the outcome of my decision and this is a theoretical position only.

18. The appellant also sets out that the north and east elevation would be built as internal works first which will then become the external walls and claims that such would be internal works/not development. 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 such walls may be built as an internal element, 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.
19. For the above reasons, I conclude that the appeal fails to meet the provisions of Class Q and Q.1. Consequently, there is no requirement for me to further consider the remaining parts of Class Q.

Conclusion

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

N Teasdale

INSPECTOR