



Appeal Decisions

Site visit made on 20 April 2026

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Appeal A Ref: APP/A0665/W/25/3376095

Ford Farm, Newton Lane, Newton-By-Tattenhall, Cheshire West and Chester, Chester CH3 9NE

- 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 the Booths Charities Trust LTD against the decision of Cheshire West and Chester Council.
- The application Ref is 25/02484/PDQ.
- The development proposed is prior approval for the change of use of the single Dutch Barn from agricultural to a single dwellinghouse.

Appeal B Ref: APP/A0665/W/25/3376098

Ford Farm, Newton Lane, Newton-By-Tattenhall, Cheshire West and Chester, Chester CH3 9NE

- 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 the Booths Charities Trust LTD against the decision of Cheshire West and Chester Council.
- The application Ref is 25/02483/PDQ.
- The development proposed is prior approval for change of use of an existing agricultural building into two residential units, with accompanying private amenity space and parking.

Appeal C Ref: APP/A0665/W/25/3376100

Ford Farm, Newton Lane, Newton-By-Tattenhall, Cheshire West and Chester, Chester CH3 9NE

- 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 the Booths Charities Trust LTD against the decision of Cheshire West and Chester Council.
- The application Ref is 25/02482/PDQ.
- The development proposed is prior approval for the change of use of an existing agricultural building into two residential units, with accompanying private amenity space.

Decisions

1. Appeals A, B and C are all dismissed.

Preliminary Matters

2. As set out above, there are three appeals at Ford Farm. They relate to three buildings located near each other, within the same steading. To avoid duplication, I have considered them in the same decision letter.
3. The description of each development in the heading above has been taken from the planning application form. However, I have omitted references to the location of the developments as these are not acts of development.

4. A previous application for prior approval for the conversion of agricultural buildings to five dwellings at Ford Farm was dismissed at Appeal¹. My assessment has taken that decision into account.

Background and Main Issue

5. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO permits development consisting of 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 of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
6. The main issue in each appeal is:
 - whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO having particular regard to whether the building operations proposed would be reasonably necessary to convert the buildings to dwellinghouses.

Reasons

7. Paragraph Q.1 (j) places restrictions on the building operations which can be undertaken under this class. It states that development is not permitted if it would consist of building operations other than: (i) 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 (ii) partial demolition to the extent reasonably necessary to carry out the building operations allowed.
8. The Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q. It clarifies that Class Q assumes that the agricultural building is capable of functioning as a dwelling. 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. 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.
9. Within the evidence before me reference is made to the caselaw in *Hibbitt v SSCLG & Rushcliffe Borough Council* [2016] EWHC 2853 (Admin), which related to the difference between a conversion and a rebuild/fresh build under Class Q of the GPDO. *Hibbitt* established that a building must be capable of conversion to a residential use without building operations that were so extensive as to amount to complete or substantial rebuilding. Whilst the *Hibbitt* case is materially different to the appeal cases before me, the principles relating to the difference between conversion and rebuild/fresh build are relevant.
10. The Pre-Planning Structural Inspection Report (Structural Report), submitted in support of all three schemes², advises that it would be feasible to convert all three buildings to residential use by implementing localised repairs where required. The Council has not provided any evidence to the contrary on this point. However, I

¹ APP/A0665/W/24/3350316

² Pre-Planning Structural Inspection Report, JPS Civil and Structural Engineers, (RP-130140-001 issue 2 August 2025)

acknowledge that the structural soundness of a building does not alone determine whether a proposal would amount to a rebuild or fresh build.

Appeal A

11. Appeal A is for the conversion of a Dutch barn on the edge of the steading to a single dwelling house. It is identified in the Structural Report as Building 1.
12. I noted on site that the lower portion of the north elevation of the Dutch barn was constructed from blockwork, but on the existing plans it was shown to be constructed from profiled metal cladding. Consequently, the existing drawing showing the northern elevation does not reflect what is on site.
13. The Dutch barn has extensions to the side and rear, which would be removed as part of the conversion. During my site visit I noted that the external walls comprise a mix of blockwork and metal cladding, which is patched in sections and appears to be varied in terms of age and condition. Based on the evidence before me, including my site visit, a significant proportion of the metal sheeting appears warped and corroded, with visible evidence of rust. Although largely intact, the roofing sheets appeared worn.
14. Based on the proposed plans it is unclear whether the existing metal cladding to the external walls and the roofing sheets would be retained. Nonetheless, due to their condition and current state of repair I am unconvinced that their retention would be feasible. Furthermore, the Structural Report found that, if roof alterations are made, the supporting timbers would require additional calculations to prove that they are suitable. The report also found that, as well as being corroded, that several of the steel columns that form the frame of the building were warped or buckled. In light of this, it is suggested within the report that the steel frame may require strengthening.

Appeal B

15. Appeal B is for the conversion of an agricultural shed within the steading into two dwellinghouses. It is identified in the Structural Report as Building 2.
16. I noted on site that the lower portion of the front and rear elevations are constructed from blockwork, but on the existing plans it states that they are constructed from sleepers. Consequently, the existing drawings showing the front elevation facing west and the rear elevation facing east do not reflect what is on site.
17. During my site visit I noted that the side elevation facing north was largely open, with the low sleeper wall showing signs of rot and deterioration. Furthermore, the existing metal cladding showed signs of damage and corrosion. Some of the timber posts supporting the structure were not straight and the timber roof supports were sagging and appeared unstable. This view is reinforced by the content of the Structural Report which found that the roof purlins showed signs of deflection and sagging and that there was insufficient stability to the timber framed section of the building, identifying a lack potential lack of foundations to timber supporting columns.
18. Based on the proposed plans it is unclear whether the existing metal cladding to the external walls and the roofing sheets would be retained. In light of this I am not certain of how much of the original building would remain and given their condition it is unclear that their retention would be feasible. The Structural Report also found

that the cladding support timbers were undersized, and the steel frame was corroded. Considering the identified defects the Structural Report included recommendations that the steel columns and rafters could remain but would require justification for domestic use; and additional stability measures would need to be incorporated into the proposed scheme.

Appeal C

19. Appeal C is for the conversion of an agricultural shed on the edge of the steading to two dwellinghouses. It is identified in the Structural Report as Building 3.
20. I noted on site that the front and rear elevations on the existing plans appear to be mis labelled. On site the sleepers on the northern elevation, labelled south on the existing plans, were much lower than indicated on the existing plan. Consequently, the existing elevational drawings do not reflect what is on site.
21. During my site visit I noted that the steel frame showed signs of significant corrosion. In addition, the roof sheets were timeworn, and the existing metal cladding showed signs of deterioration and rust, in places. This view is reinforced by the content of the Structural Report which found that the steel frame of the building was corroded. In addition, the Structural Report found that the connection of the steel frame to the roof structure didn't appear suitable for stability and would potentially require further investigation.
22. Based on the proposed plans it is unclear what existing materials would be retained. In light of this I am not certain of how much of the original building would be retained and given their condition it is unclear that their retention would be feasible. In light of the identified defects the Structural Report included recommendations that the existing steel members would need to be repaired and strengthened or replaced where necessary; and that the structure would need to be strengthened to ensure code compliance.

Conclusion on building operations proposed

23. For all of the buildings basic elevational drawings are provided, but they do not include specific details of all the materials that would be retained or the full details of materials that would be replaced. While I note that the proposed external works on each building are stated as being kept to a minimum, including the retention of the form of the original buildings and utilisation of existing openings. However, there is no detailed schedule of works identified for each building. I find that the evidence provides conflicting information that does not clearly identify the amount of building operations proposed. It also does not reflect the materials present in the buildings on site accurately.
24. Considering all three appeals, I find that the appellant's proposals for the conversion of the buildings are not supported by a detailed method statement or clear annotated drawings identifying the full extent of the proposed works to facilitate the proposed conversions.
25. Following the previous Appeal at the steading, detailed above, landscaping was introduced to each scheme and a Structural Report was submitted in support of each application which found that 'none of the defects observed necessarily prevent the successful refurbishment and conversion of the buildings'. However, several structural defects were identified for each building and, based on the

evidence before me I am not certain that the works necessary to rectify the identified defects, such as repairs and strengthening would not go beyond what would reasonably be described as a conversion. My concerns in regard to the extent of building operations proposed are not resolved through the introduction of landscaping.

26. I accept that substantial works, such as the installation of walls, roof, internal floor slab, windows and doors, are specifically covered by Q.1. Additionally, as advised by the PPG, I note that internal works are generally not development. However, I am not satisfied based on the evidence before me that the totality of the works that would be necessary to allow the buildings to be used as dwellinghouses would not amount to substantial re-building.
27. Consequently, I conclude that there is insufficient evidence to demonstrate that each of the proposed developments would not require building operations that would go beyond what would be reasonably necessary for the buildings to function as a dwellinghouse. It follows that, based on the evidence before me, I cannot find that the appeal schemes are development permitted under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

28. The appellant asserts that the Council has indicated that it accepts the principle of the conversion of a brick building³. However, there is no substantive evidence before me to demonstrate that this is the case and in any event, I have determined each appeal on its own merits.
29. My attention has been drawn to a Class Q approval for the conversion of two Dutch barns to provide three holiday accommodation and dwelling units⁴. However, full details of the condition of the barns prior to conversion have not been provided. Therefore, I cannot be certain that the circumstances in that instance reflect the scheme before me.
30. The appellant's statements for each appeal refer to several benefits of the proposals, including the provision of housing of which there is an identified need. However, such matters fall outside the scope of the prior approval process, and my determination of these appeals may rest only on the criteria set out in the GPDO.

Conclusion

31. I find that the proposals in relation to Appeal A, Appeal B and Appeal C would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO. As such, all three appeals are dismissed.

C Livingstone

INSPECTOR

³ APP/A0665/W/25/3376095

⁴ P172770/F

Appendix 1

List of those who have.

Reference	Case Reference	Appellant
Appeal A	APP/A0665/W/25/3376095	THE BOOTHS CHARITIES TRUST LTD
Appeal B	APP/A0665/W/25/3376098	BOOTH CHARITIES TRUST LTD
Appeal C	APP/A0665/W/25/3376100	BOOTH CHARITIES TRUST LTD