



Appeal Decision

Site visit made on 13 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/E3335/W/24/3344686

The Barn, Newman Street, Doultong, Shepton Mallet BA4 4JZ

- 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 Mark Lambert against the decision of Somerset Council.
 - The application Ref is 2024/0253/PAA.
 - The development proposed is Class Q (a) and (b) change of use of an agricultural building to a dwelling house including building operations.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for Class Q (a) and (b) change of use of an agricultural building to a dwelling house including building operations at The Barn, Newman Street, Doultong, Shepton Mallet BA4 4JZ in accordance with the application 2024/0253/PAA and the details submitted with it including drawing numbers LAM-01, LAM-04 and LAM-05. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO and the provisions specified in paragraph W.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 came into force on 21 May 2024. Transitional arrangements apply to applications submitted under the previous iteration of the Order. Therefore, the changes do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties. I have referred to paragraph and section references from the GPDO prior to these amendments.
3. The appellant has highlighted seemingly contradictory statements in the officer report. However, it is clear from an overall reading of the report and the decision notice that the Council has refused to grant approval and the reasons for this are sufficiently clear.

Main Issue:

4. The main issue is whether the proposed development would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the

GPDO with particular reference to the extent of the proposed building operations.

Reasons

5. 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 to the Use Classes Order and any building operations reasonably necessary to convert the building. Class Q.1(i)(i) (aa) allows for the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse.
6. Planning Practice Guidance (PPG) explains that the right assumes that the agricultural building is capable of functioning as a dwelling and 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. It is only where the existing building is already suitable for conversion that the building would be considered to have the permitted development right.
7. My attention has been drawn to the Hibbitt¹ caselaw which considered whether the works required to bring about the change of use amounted to a re-build or 'fresh' build as opposed to a conversion. Planning judgement should be made on a fact and degree basis.
8. The appeal building comprises external metal sheeting supported by a steel frame. A structural appraisal carried out by chartered civil and structural engineers² concludes that the barn could be converted without the need to install any major structural modifications, improvements or upgrading. The Council has not produced any compelling evidence to the contrary.
9. The existing frame and cladding would be retained, and a new non-structural exterior wall would be inserted on the northern elevation containing a number of openings which would serve the main living and sleeping areas of the dwelling. The proposed alterations would be reasonably necessary in order to make the building weather-tight and to provide adequate light and ventilation for future occupiers.
10. PPG explains that 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.' Consequently, the internal works proposed including the construction of non-structural stud walling built off a concrete slab are not prohibited by Class Q.
11. The proposed works do not go beyond the scope of permitted development under Class Q and do not amount to a fresh build, given that the majority of the existing structure is to be retained and no new structural elements are proposed. No operations involving excavating, installing or strengthening the foundations, which are not permitted by Class Q, are proposed.

¹ Hibbitt v SSCLG & Rushcliffe BC [2016] EWHC 2853 (Admin)

² Report by Vale Design Partnership LLP dated 16 July 2023

12. Based on the evidence provided, I am satisfied that the proposal would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the GPDO with particular reference to the extent of the proposed building operations.

Other Matters

13. The conditions set out in paragraph Q2(1) (a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to these matters.
14. Based on the information before me and my observations on site, I have no reason to take a different view to the Council in respect of the above matters. Therefore, the proposal would comply with these other matters to be considered under Class Q.

Conditions

15. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years, as well as the provisions of paragraph W., including paragraph W (12) which requires development to be carried out in accordance with the details submitted.
16. The Council has not suggested any conditions which it considers should be attached to any permission and I do not consider any further conditions to be necessary.

Conclusion

17. For the reasons given, I conclude that the appeal is allowed, and prior approval is granted.

E Pickernell

INSPECTOR