



Appeal Decision

Site visit made on 9 January 2025

by **Rachael Pipkin BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th January 2025

Appeal Ref: APP/R3325/W/24/3350211

Manor Farm, Knowle Lane, Knowle St Giles, Chard, Somerset TA20 3DA

- 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 James Denslow against the decision of Somerset Council.
 - The application Ref is 24/01090/PAMB.
 - The development proposed is described as 'This scheme proposes the conversion of three existing barns to 4 dwellings - 3nr small dwellings and 1nr large dwellings. The buildings are located on Manor Farm, north of Knowle Lane'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs is made by Mr James Denslow against Somerset Council. The application is the subject of a separate decision.

Background and Main Issue

3. Schedule 2, Part 3, Class Q (a) 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 Class C3 use (dwellinghouse). This provision also includes at Paragraph (b) development referred to in Paragraph (a) together with any building operations reasonably necessary to convert the building.
4. Paragraph Q.1(i) of Part 3, Schedule 2, Class Q of the GPDO places restrictions on the building operations which can be undertaken. It states that development is not permitted if it 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).
5. The main issue is whether the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse, having particular regard to the requirements under Class Q.1(i).

Reasons

6. The appeal site comprises a cluster of barns and an above ground slurry tank. The scheme seeks prior approval for the conversion of three of the barns to four dwellings. It is proposed to demolish the barns and the slurry tank that would not form part of the conversion. This relates to barns labelled A, B, E, F and H on the submitted 'Proposed Demolition Plan'¹.
7. The Council does not consider that the removal of the barns to the south-east and south-west and the slurry tank would be reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i). It confirmed in its appeal submissions that it does not object to barns labelled F and H being demolished as this is reasonably necessary to carry out building operations required for the conversion. Therefore, the area of disagreement is whether the demolition of barns A, B and E and the removal of the above ground slurry tank are reasonably necessary.
8. The slurry tank lies to the west of the barns proposed for conversion. Barn A which is somewhat dilapidated and Barn B which is a mostly open-sided Dutch barn lie to the south-west and Barn E, a partially open-sided structure which appeared to be in reasonable condition, lies to the south-east. All of these structures are separate from where the proposed dwellings would be located.
9. Due to the separation distance between the disputed barns and the barns to be converted, their partial demolition is not justified to enable the installation or replacement of (aa) windows, doors, roofs or exterior walls to be carried out.
10. I have not been provided with evidence that works relating to water, drainage, electricity, gas or other services are to be undertaken in such a way as to necessitate the demolition of the disputed barns and slurry tank.
11. I therefore find that partial demolition in relation to barns A, B and E and the slurry tank is not reasonably necessary for the building works permitted under Q.1(i)(i). As such, the proposal would exceed the overarching requirements of Paragraph Q(b) and it would not be permitted development.

Other Matters

12. The disputed barns and slurry tank lie outside the red line of the appeal site but within land owned by the appellant. The appellant's asserts that their demolition could be secured by way of the imposition of a planning condition which would be reasonably related to the subject matter of the prior approval, namely the amenity of future occupiers of the dwellings and managing flood risk. Such matters fall within the scope of Q.2(1) of the GPDO. However, as I have found that the proposal would not be development permitted by the GPDO, the detailed prior approval matters under Q.2(1) of the GPDO do not fall to be considered as part of the determination of this appeal. Therefore, I do not need to consider whether the imposition of a condition requiring demolition of buildings outside the red line of the appeal site would meet the tests set out in paragraph 57 of the National Planning Policy Framework.

¹ Drawing Number 1821/004 Rev G

13. I have been referred to three allowed appeal decisions² where conditions have been imposed to secure the demolition of buildings. However, in each of these cases, the demolition related to matters within the scope of Q.2(1). As I confirm above, I do not need to consider matters under Q.2(1) for this appeal. These appeal decisions do not therefore alter my findings.

Conclusion

14. For the reasons set out above, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

² APP/Q3305/W/14/3000602 – Lodge Hill Farm, Downhead, Shepton Mallet, Somerset BA4 4LG; APP/W1145/W/18/3195519 – Cross Park Farm, Alminstone, Woolsery, Devon EX39 5PX; and APP/E3335/W/23/3322473 – Grain Store, Burton Pynsent, Curry Rivel, Somerset TA10 0PE