



Appeal Decision

Site visit made on 25 March 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2025

Appeal Ref: APP/E3335/W/24/3355031

Land to the North of Bush Lane, Spaxton, Bridgwater, Somerset TA5 1AH

- 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 and Mrs Burland against the decision of Somerset Council.
 - The application Ref is 45/24/00012.
 - The development proposed is the change of use and conversion of agricultural building to dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building and land within its curtilage from an agricultural use to a use falling within use class C3 (dwellinghouses). Class Q also allows building operations reasonably necessary to convert the building to a dwellinghouse use, subject to various clauses and conditions, including a requirement for an application to be made to the local planning authority as to whether prior approval is required on various matters before beginning the proposed development.
3. The GPDO at paragraph Q.1 (j) states that development is not permitted by Class Q if it would consist of building operations other than 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.
4. The main issue is whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO, having regard to the provisions of paragraph Q.1 (j), and the building operations proposed.

Reasons

5. The appeal building is a steel portal framed agricultural building, comprising walls with vertical timber boarding above horizontal timber boards and a corrugated metal roof. There are openings to either end of the building. The proposal seeks to convert the building for use as a dwellinghouse, with associated building operations.

6. Further to the building operations set out in paragraph Q1 (j) Planning Practice Guidance (PPG)¹ advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It sets out 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.
7. What may constitute 'reasonably necessary' is not defined in either the GPDO or PPG. It is established caselaw² that the building must be capable of conversion to residential use without operations amounting to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. Whether the extent of work required would comprise conversion or rebuild is therefore a matter of planning judgement.
8. The proposal does not include any extension, or demolition works to the existing building, but does include building work to facilitate the conversion of the building to residential use. The appeal submissions indicate that the existing steel frame would be retained, although no detail of its structural condition or load bearing capacity have been provided, or any detailed information pertaining to the presence or extent of any foundations or floor to the building.
9. The application form sets out that the existing roof of the building would be retained and insulated beneath. The appellant maintains that existing sections of concrete walling would be retained with new openings formed within them. However, it appeared at my site visit that the building was void of concrete walling. In addition, the application form sets out that new walls would be constructed inside the existing structure, although the existing wall cladding would be replaced, which suggests that the walls to all 4 elevations would be rebuilt in their entirety. However, a detailed schedule of the nature and extent of the work required is not before me.
10. Consequently, in the absence of a structural survey, including detailed information as to the condition and structural integrity of the building and the extent of works which may be required to enable its use as a dwellinghouse, it is not clear that the existing building is suitable for conversion to residential use. Moreover, it has not been shown that the conversion of the building could be achieved without extensive work that would amount to substantial re-building of the barn. I therefore conclude that the proposal would fail to comply with paragraph Q.1(j) and would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

11. Notwithstanding the recent changes to the provisions of Class Q, the limitations to building operations described in Q.1(j) essentially remain unchanged. Moreover, I have not been presented with an alternative approach to that established in *Hibbitt v SSCLG* [2016] EWHC 2853.
12. Prior approval under Class Q may be deemed a fallback position of sufficient weight to justify the replacement of an agricultural building in some cases,

¹ Paragraph: 105 Reference ID: 13-105-20180615

² *Hibbitt v SSCLG* [2016] EWHC 2853

however, such a scenario is not relevant to the appeal before me. I therefore attribute this limited weight.

13. The appellant contends that there are many examples of barns/buildings for which prior approval under Class Q has been granted, that were in a less favourable condition than the appeal building. Nonetheless, I do not have full details in respect of such works so I cannot be sure of the circumstances of these examples. In any case, I have determined the appeal on its own merits, based on the evidence before me.

Conclusion

14. For the reasons given above, I therefore find that the proposed development would not be permitted development under Schedule 2, Part 3, Class Q of the GPDO and that the appeal should be dismissed.

E Worley

INSPECTOR