



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: 11 April 2025

Appeal Ref: APP/E3335/W/24/3353663

Field to the South of Cedarwood House, Holcombe Hill, Radstock BA3 5DD

- 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 John Barter against the decision of Somerset Council.
 - The application Ref is 2024/0289/PAA.
 - The development proposed is the change of use of an agricultural building to a 1no dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated operational development.
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Decision

1. The appeal is allowed and prior approval is granted for the change of use of an agricultural building to a 1no dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and associated operational development at Field to the South of Cedarwood House, Holcombe Hill, Radstock, BA3 5DD in accordance with the terms of the application, Ref 2024/0289/PAA, and the plans submitted with it, pursuant to Article 3(1), Schedule 2, Part 3, Class Q, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 2501/01A Location and Existing Block Plan, 2501/05A Proposal Details (Block Plan), 2501/06 Proposal Details (Ground Floor Plan), 2501/07 Proposal Details (Roof Space Plan) and 2501/09 Proposal Details (Elevations).

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 GDPO) 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 Councils' refusal reason refers to the extent of building operations proposed, which it is contended would go beyond what could reasonably be considered as a conversion. As of 21 May 2024 limitations to building operations proposed under Q (c) of Class Q are set out under Q1.(j). The main issue is therefore 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

4. 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.
5. 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.
6. 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.
7. The appeal building is a rectangular barn, with a mono-pitch roof and a full height opening to the front elevation. It comprises corrugated sheet walls and roof supported by a steel frame. The appeal proposal seeks to convert the agricultural building to a 3 bedroom dwelling set over 2 floors.
8. The existing metal sheeting to the walls and roof of the building would be retained, and doors and windows inserted into all sides of the building and the roof. A dwarf wall would be constructed to enclose the existing small gap between the ground level and the lower part of the existing wall. The existing opening to the south elevation would be enclosed with fenestration and metal sheeting to match the remaining building. Internal works include the construction of an insulated concrete floor, insulation, internal partitions and an upper floor, consistent with the conversion of the building to a dwellinghouse.
9. The appellant's Report on Visual Structural Inspection by Beveridge dated 12 January 2024 confirms that the barn is in a suitable condition to be converted into habitable accommodation and that the existing primary structure is adequate to support the loads resulting from the associated external works without significant or substantial improvement or repair. While there was evidence of light corrosion at the base of the stanchions, this could be treated. In addition, it sets out that the external walls can be supported by lintels spanning between the existing concrete pad foundations, and that no new foundations should be required.
10. The Council is concerned that the findings of the report assume that the external finishes of the building would be lightweight, such as insulated cladding panels,

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

² *Hibbitt v SSCLG* [2016] EWHC 2853

and more rigid and load bearing walls may be required, particularly given the provision of first floor accommodation and the nature of the existing building. However, the appellant's submissions highlight that the alternative structural measures set out in the report are optional, given that the building is structurally sound and capable of conversion without their inclusion. Moreover, the appellant is clear that it is intended that the proposed conversion of the building would not include such structural works, as they would not be necessary in this case. I have not been presented with any substantive evidence to the contrary.

11. Furthermore, the PPG sets out that internal works are not generally development, and that 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 upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q³. Accordingly, based on the information before me, I find that the proposed works would accord with the guidance contained in the PPG in relation to the provisions of Class Q of the GPDO.
12. I therefore conclude that, in light of the above considerations, having regard to paragraph Q.1.(j) of the GPDO, the proposed works would comprise building operations reasonably necessary for the building to function as a dwellinghouse. Consequently, the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

13. Concern has been raised in relation to the location of the appeal site beyond the village development line and the potential effect on the nearby trees. However, the GPDO grants planning permission within specified parameters, therefore only matters relevant to the prior approval are to be considered when determining an application. None of the other points raised affect whether the appeal proposal is permitted development under the GPDO.
14. The Council has not objected on grounds of the transport or highways impacts of the development in relation to the proposed vehicular access to the site or the effect on users of the public footpath that crosses the driveway. Given the number of additional movements associated with the use of the building as a single dwelling would be modest, I have no reason to disagree. Furthermore, there is no substantive evidence that the proposed residential unit would not provide suitable living conditions in relation to light.
15. I note the suggestion by an interested party that the proposal would fail to constitute permitted development having regard to paragraph Q.(a) of Class Q and the use of the building. However, this matter is not disputed by the Council, and based on the appeal submissions, there is no compelling evidence to draw me to a different conclusion.

Conditions

16. Paragraph Q.2.(4) of the GPDO states that Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

³ Paragraph: 105 Reference ID: 13-105-20180615

17. Paragraph W (13) of the GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. A condition specifying the approved drawings is necessary for reasons of certainty. In the absence of any suggested conditions by Council, I cannot see that any further conditions are necessary.

Conclusion

18. For the foregoing reasons, I conclude that the appeal should be allowed.

E Worley

INSPECTOR