



Appeal Decision

Site visit made on 25 March 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2025

Appeal Ref: APP/E3335/W/24/3357980

Land South of Wellesley Cottage, Upper Wellesley Lane, Dulcote, Wells, Somerset BA5 3QA

- 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 Robert Coulson against the decision of Somerset Council.
 - The application Ref is 2024/0908/PAA.
 - The development proposed is prior approval for a proposed change of use of agricultural building to dwellinghouse (Use Class C3) and for building operations reasonably necessary for the conversion.
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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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed change of use of agricultural building to dwellinghouse (Use Class C3) and for building operations reasonably necessary for the conversion at Land South of Wellesley Cottage, Upper Wellesley Lane, Dulcote, Wells, Somerset, BA5 3QA in accordance with the application ref 2024/0908/PAA and the details submitted with it and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawings: 1493/001 (Location Plan), 1493/002 (Block Plan), WWD-KRC-003 (Proposed elevations) and WWD-KRC-001 (Existing site and proposed plans).
 - 2) Prior to the installation of any external lighting, a lighting assessment and scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.

Preliminary Matters

2. The description of the development is taken from the application form as it more accurately describes the proposal. This is also what the appellant has used on his appeal form.
3. The Council has confirmed that Somerset County Council and the other district councils in Somerset were replaced on 1st April 2023 by a new unitary council, known as "Somerset Council." The Council has also confirmed that the Mendip District Local Plan (Parts I and II) still comprise the relevant development plan for the purposes of the appeal.

4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) (December 2024) has been published. The document has not raised any new matters which are determinative to this appeal.

Procedural Matters

5. The proposal falls to be considered under Class Q(b) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). It permits a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to a dwellinghouse.
6. A determination must first take place as to whether the proposal constitutes permitted development against the criteria in paragraph Q.1(a) - (m), which includes Q.1(i) relating to permitted building operations.
7. In the event development is permitted, paragraph Q.2(1) then requires the Council to assess the proposal against a number of prior approval matters (a) to (g), such as transport and highway impacts, flooding risks and the design or external appearance of the building. The Council has raised no issue with any of these matters, so there is no need for me to give them further consideration, even if I were to allow the appeal.

Background and Main Issue

8. Prior Approval was allowed and granted on appeal¹ for the same agricultural building to be converted to a dwellinghouse, together with associated building operations. That Inspector found the building was in reasonably good structural condition and that the various proposed building operations were reasonably necessary to facilitate the conversion and for the building to function as dwellinghouse. Whilst I do not have the plans or all the details of the previously approved scheme, I have been provided with the appeal decision.
9. The scheme the subject of this current appeal before me seeks to convert the same building into a dwelling, but in addition would see the installation of a first floor mezzanine to provide a master bedroom with an ensuite, walk-in wardrobe, storage space and a landing area that would look down over the open plan living/kitchen/dining space on the ground floor.
10. The main issue in this appeal is whether the proposed building operations would exceed what is reasonably necessary for the building to function as a dwellinghouse, under Paragraph Q.1(i) of the GPDO.

Reasons

11. It is unlikely that many existing agricultural buildings are suitable for human habitation as a dwelling as they stand, as they were built for agricultural purposes. In recognition of this, some building operations are allowed as part of a Class Q(b) conversion, but Paragraphs Q.1.(i) and (ii) place restrictions on what can be undertaken. Permitted works can consist of the installation or replacement of (aa) windows, doors, roofs, exterior walls, and (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a

¹ APP/Q3305/W/22/3299128 dated 6 December 2022

dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out these building operations.

12. The Planning Practice Guidance (the PPG) provides some further clarification² on the interpretation of Class Q. At the outset, the permitted 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 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”. The PPG no longer includes reference to the existing building needing to be ‘structurally sound enough’ to take the loading from external works.
13. The PPG also acknowledges that internal works are generally not development and that for the building to function as a dwelling it may be appropriate to carry out internal structural works, including to allow a floor, the insertion of a mezzanine or upper floors within the overall residential floorspace permitted, or internal walls, which are not prohibited by Class Q.
14. There is also case law from *Hibbitt*³ that the building in question must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. *Hibbitt* found that the extent of the works themselves is not dispositive, but it is for the decision-maker to assess the extent of the works and decide whether they fall within, or go beyond, the statutory limits with regards a conversion or a rebuild. There is no definition in the GPDO or the PPG of ‘reasonably necessary’ and neither indicate the scale or amount of replacement or installation of windows, doors, roofs or exterior walls. Therefore, as *Hibbitt* determined, whether building works are reasonably necessary is a planning judgement based on the existing building, the scope and extent of the proposed building operations and the facts of the case.
15. Development permitted under Class Q is permitted subject to the condition that it is completed within a 3-year period starting with the approval date. The previous approval to convert the building into a dwelling made under the previous appeal decision is still extant. Hence it is a material consideration and a useful starting point for assessing the current scheme before me.
16. The building is a steel framed ‘Dutch-barn’ type building with a curved roof. Its north and east elevations are clad in corrugated metal sheeting, which internally is supported by substantial timber cladding rails. On the north and east elevation there are narrow horizontal ventilation gaps high up at eaves level. There is also an attached mono-pitched lean-to, also clad in metal sheeting. There is no internal wall between the main building and lean-to so internally it is a single open-plan space. The south elevation of the main building and the west elevation of the lean-to are open-sided. There are approximately 1.3 metre high block walls along the north and south walls of the lean-to that extend out into a partially covered concrete yard, but which are covered externally by the metal sheeting. Both roofs are corrugated metal cladding. I saw that the lean-to the floor was concrete, but in the main building it was a dust floor.

² Paragraph 105 ref ID: 13-105-20180615

³ *Hibbitt and another v SSCLG & Rushcliffe BC* [2016] EWHC 2853 (Admin)

17. The south and east elevations, which are currently open-sided, and the high-level ventilation gaps would need to be infilled and glazed and the ground floor would need to be fully concreted. The existing metal cladding to the walls and roof would be retained. The current scheme shows there would be full-height doors and windows in the west elevation (of the lean-to). In the south elevation (of the main building) the windows would be taller and extend beyond the level of the new ceiling to create light into the hall, staircase and the first floor mezzanine landing. In addition, 4 new small windows would be inserted: two in the north elevation, one in the east and one in the south elevation. These works would be reasonably necessary to make the building function as a dwelling. Indeed, the works to infill the open sides of the building and the high-level ventilation gaps would be similar to the proposed building operations for the approved scheme, which that Inspector also found to be 'reasonably necessary'.
18. The significant difference between the approved scheme and the current scheme before me is the installation of the first floor mezzanine, and the Council's doubts about the extent of structural reinforcement to achieve this. From my site visit observations the building and its supporting structure looked to be in a generally reasonable condition, with no obvious signs of cracking, decay, damage although there was some surface rust on some of the metal members. My observations are generally supported by the appellant's various structural reports.
19. In July 2021 a Structural Inspection⁴ report was submitted with the previous application. The report found there was no evidence of damage or significant corrosion within the steelwork, no evidence of damage or significant decay within the timber framework, and the roof and walls were in reasonable condition. Lateral stability to the frame is provided by knee braces, moment connections between the rafters and columns, and blockwork masonry wall. It also states that trial holes had been undertaken to both front columns and foundations and that the foundations would be capable of supporting a working load that would be in excess of the potential loads to be applied by the then proposed conversion. The report concluded that it was feasible to convert the building to a dwelling and retain the existing structure for support.
20. For the purposes of the current scheme, additional structural information was submitted with the application to address the installation of a mezzanine. First a Structural update of May 2024⁵ was undertaken by a Teams video inspection of the building carried out by the previous engineer to ascertain if the building was still suitable for conversion nearly 3 years later, or if there was any significant damage to the structural members since the previous inspection in June 2021. The update found the building was in a similar condition as when previously inspected and there was no evidence of ongoing movement or deterioration (decay or corrosion) to the structural members.
21. The May report also assessed the capabilities of the building to be converted with the addition of the first floor mezzanine. Calculations were provided, allowing for a maximum load from the existing roof (even with snow), new ceiling, new first floor, existing cladding and new lining wall. It found that the existing steel columns are capable of supporting the additional loading and this would be within the maximum allowable working load, and that the existing foundations are more than capable of

⁴ Undertaken by Simon Bastone Associates Ltd, dated 14 July 2021

⁵ Letter from Simon Bastone Associates Ltd dated 20 May 2024

- supporting all the loading that comes with the conversion and the mezzanine. The additional openings within the existing metal cladding would be detailed to be set between the existing rails or rails that will be retained to the inside of the openings.
22. The appellant also commissioned an updated visual survey of the building that was undertaken in September 2024 and reported in correspondence⁶. The same engineer stated that his re-inspection confirmed his original appraisal of the building in July 2021 and again in May 2024.
 23. The proposal intends to retain the metal sheeting for the walls and roof, as was the case with the previous approval, and make any selective repairs, as well as infilling the open sides and ventilation gaps already discussed above. From what I observed during my site visit, the external metal cladding appeared to be in generally good condition, as confirmed by the various structural reports. The metal sheeting panels on the walls and roof appeared to be intact, not broken, loose or bent and there were no noticeable gaps or holes, apart from the deliberate high-level ventilation gaps and the non-clad elevations. Hence, I did not observe any other 'extensive gaps' in the metal sheeting the Council refers to and am satisfied that any repairs would be selective.
 24. From my observations of the state of the building and with no substantive evidence to the contrary, I have no reason to doubt the findings of the appellant's various submitted professional Structural Reports and updates. I am satisfied that the existing building is capable of conversion to residential use without operations that would amount to a complete or substantial re-building of the existing structure and would not be a 'fresh build'. The building is also structurally capable of supporting the proposed conversion with the mezzanine. Indeed internal structural works, including the insertion of a mezzanine or upper floors, are not prohibited by Class Q. Furthermore, the shape and form of the building would also remain unaltered, with no additions or partial demolition.
 25. Based on the evidence before me and my site observation the proposed building has sufficient structural integrity and the building operations would be reasonably necessary to facilitate the conversion into a dwellinghouse without amounting to a complete or substantial re-build of the existing structure. I therefore find the building works would not exceed what is 'reasonably necessary' under Class Q.1(i) of the GPDO for the building to function as a dwellinghouse.
 26. The Council draws my attention to a Class Q Prior Approval appeal decision at Poole Farm⁷. I have no plans or details of this to make any meaningful comparisons. However, I already have a more meaningful comparison and material consideration in the form of the previous appeal decision.

Other Matters

27. The appeal site lies within Band B of the North Somerset and Mendips Bats Special Area of Conservation (SAC) and hence lies within the Bat Consultation Zone. A previous bat survey was carried out in January and September 2021.
28. Due to the passage of time an updated Bat Survey (May 2023) was submitted with the application which included a dusk-emergence survey. The site is in a rural area, surrounded by foraging and commuting habitats for bats. General bat activity was

⁶ Letter from Simon Bastone Associates Ltd dated 17 December 2024

⁷ APP/Q33056/W/22/3299528

by at least four species of bats, but no horseshoe bats were recorded during the survey and no bats were recorded emerging from the barn. Hence, the building is deemed to have a low suitability for roosting bats. As a result the report finds the proposed works are not likely to injure or kill bats, or damage or destroy resting places or access. The survey recommends that should works be delayed 12 months after the date of the survey then further update bat surveys should be undertaken. It also recommends that pre-work checks are made by a qualified ecologist and that any external lighting should be low level with timers and a bat box provided.

29. I am therefore satisfied that it is unlikely that bats or other protected species would be present in the barn and the proposed conversion would not result in an unacceptable impact upon protected species or their habitat.

Conditions

30. In accordance with Q.2(3) of the GPDO, an approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision. Therefore this does not need to be listed in the schedule of conditions.
31. Paragraph W(13) of the GPDO also allows for the imposition of other conditions reasonably related to the subject matter of the prior approval. The Council has not suggested any.
32. I have included the list of plans for the avoidance of doubt.
33. As this decision is made within 12 months of the updated bat survey its findings can be relied upon. As bats are a protected species there is separate legislation to cover their protection if any are found during construction. As with the previous approval, the submitted plans show a bat box would be installed on the south elevation, so there is no need to impose a separate mitigation condition. However, with regard to the sensitivity of the area for bats and the likelihood that external lighting would be installed at the site, I have included an external lighting condition.

Conclusion

34. For the reasons given above, the proposal accords with the requirements of Schedule 2, Part 3, Class Q of the GPDO and is permitted development. The appeal should be allowed and prior approval granted.

K Stephens
INSPECTOR