



Appeal Decision

Site visit made on 23 June 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/E3335/W/25/3363518

Westowe Barn, Westowe Hill, Bishops Lydeard, Somerset TA4 3SH

- 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 Peters against the decision of Somerset Council.
 - The application Ref is 22/24/0005/CQ
 - The development proposed is proposed change of use from agricultural building into 2 No. dwelling houses (Class C3) and associated building operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the Council's Decision Notice. This is in the interest of clarity. I have removed wording that doesn't describe development.

Background and Main Issues

3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was updated on 21 May 2024. Transitional arrangements allow for a prior approval application to be made before the 21st of May 2025. As a result, it is necessary to determine this appeal in accordance with the GPDO as it stood at the time the application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
4. Schedule 2, Part 3, Class Q of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 of the Use Classes Order 1987 (as amended), and the building operations reasonably necessary to convert the building subject to certain limitations and conditions.
5. The Council has refused the application as it considers that the proposal does not meet the requirements of Class Q (a) in relation to the proposed curtilage. It also considers that the proposal does not meet the requirements of Class Q (b), insofar as the scale of the operational work required to alter the use of the building to

dwellings would be beyond what would be reasonably necessary for the buildings to function as dwellinghouses.

6. Finally, it also considers that prior approval would be required in accordance with the conditions set out in Paragraph Q.2 (1) of the GPDO, with specific regards to (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order, in terms of parking layout.
7. The main issues are therefore:
 - whether the proposal would be permitted development under Schedule 2, Part 3, Class Q (a) and (b) of the GPDO, and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

Whether permitted development

8. Schedule 2, Part 3, Paragraph X of the GPDO defines 'curtilage' for the purposes of Class Q as: *whichever is the lesser - (a), the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building.*
9. The Council measure the barn to be converted as 289.04m², and the proposed curtilage at the rear, indicated by the red line on the submitted site plan (not including the areas to the west and north) at 470m². These figures are not disputed by the appellant. Whilst it is indicated by the appellant that the curtilage would be limited '*to land immediately beside or around the agricultural building, closely associated with and serving the purpose of the building*', this is not indicated on any plan and is not what is shown on the site plan indicated above.
10. Therefore, the indicated curtilage significantly exceeds the land area occupied by the building. As such, the proposal does not comply with the provisions of Q (a) of the GPDO and in this regard, would not be permitted development.
11. There is no need for me to go on and consider whether the proposal complies with the provisions of Q (b), nor the effect of the proposed development with regard to the prior approval matters specified in paragraph Q. (in addition to the setting of nearby listed buildings) as it would not alter the outcome of the appeal.

Conclusion

12. For the above reasons, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal is therefore dismissed.

B Phillips

INSPECTOR