



Appeal Decision

Site visit made on 13 August 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st September 2025

Appeal Ref: APP/E3335/W/25/3366848

Barn, the Allotments Field, Highbridge, Williton TA4 4RN

- 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 & Mrs Quartly against the decision of Somerset Council.
 - The application Ref is ABD/39/24/001.
 - The development proposed is an application for prior approval for the change of use and conversion of an agricultural barn into a two bed dwelling located adjacent to Williton allotments.
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Decision

1. The appeal is allowed and prior approval is deemed to be 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 change of use and conversion of an agricultural barn into a two bed dwelling at the Barn, the Allotments Field, Highbridge, Williton TA4 4RN, in accordance with the application ref: ABD/39/24/001, and the drawings submitted with it: Existing Site Plans No. 3070/100, Existing Elevations No. 3070/102, Existing Floor Plans No. 3070/101, Proposed Site Plans No. 3070/200, Proposed Elevations No. 3070/202, and Proposed Floor Plans No. 3070/201.

Preliminary Matters

2. On the 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 came into force. Transitional arrangements allowed applicants to make an application for a determination for prior approval under the provisions of the 2020 version of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(the Order) until the 20 May 2025. The original application was dated 4 November 2024, and required the use of the permitted development right as it stood prior to the 21 May 2024. The Council made their decision against the 2020 version of Class Q, and the appeal evidence of the appellants has also referred to this version of the Order. For the avoidance of doubt, the appeal has been considered against the provisions of the 2020 version of the Order.
3. The procedure under Part 3 contained in Paragraph W explains that development must not begin until either (a) the local planning authority provides a written notice of their determination that such prior approval is not required; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether the prior approval is given or refused. The Council

determined the application on the 28 February 2025, which the appellants point out exceeded the 56 day target.

Main Issue

4. Consequently, the main issue is whether prior approval is deemed to be granted having regard to the requirements of Class Q and Paragraph W of the Order.

Reasons

5. The appeal building is within the countryside, at one end of a gravelled track that also serves nearby allotments. The building is composed of a variety of elements, and it is the central, pitched roof section and one of the attached lean-tos that would be converted to a dwelling. These parts of the building are constructed of a mix of materials, including corrugated fibre cement, metal and plastic sheeting, along with some block walls. A variety of miscellaneous storage is occurring near to the building. In addition to a tractor and trailers, there is a touring caravan, domestic items, timber, and building materials.
6. The Council's refusal of the original application referred to the absence of sufficient demonstration that the building was in sole use for the purposes of an agricultural trade or business, thereby failing to comply with Class Q.1(a). However, Paragraph W makes it clear that decisions should be made within 56 days of the receipt of the original application. In this case, the expiry date for a decision was 30 December 2024, albeit the Council determined the application on 28 February 2025.
7. This decision was made well after the expiry of the statutory 56 days period. The Council has confirmed that although an extension of time was requested from the appellants, no written agreement was provided. Irrespective of the Council's request and eventual decision that the scheme would not be permitted development, the Council's failure to refuse the application within the statutory period means that any questions of lawfulness and prior approval matters cannot be addressed, as prior approval is deemed to be granted on the expiry of the statutory period.
8. Having regard to this situation, there is no requirement with the appeal to ascertain whether the change of use and conversion falls within the limitations of Class Q and whether or not it would be lawful if it were to be carried out.

Other Matters

9. Whilst the Council considers the scheme would not constitute development permitted under Class Q, given the deemed approval the development could only lawfully proceed if it is in accordance with the submitted plans and is in fact permitted development having regard to the relevant conditions and limitations imposed by the Order. These would be matters for the Council and appellants to resolve.

Conditions

10. As prior approval is deemed to have been granted, there is no facility to attach conditions in addition to the standard ones set out in Paragraph W.

Conclusion

11. For the reasons given above, the appeal is allowed and prior approval is deemed to be granted.

J J Evans

INSPECTOR