



Appeal Decision

Site visit made on 12 September 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/E3335/W/25/3366160

Land at Pit Lane, OS 3183, Odcombe, Somerset BA22 8UB

- 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 Brian Spearing against the decision of Somerset Council.
 - The application Ref is 24/02697/PAMB.
 - The proposed development is conversion of barn to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (the Order) came into force. It made revisions to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The transitional arrangements set out in Article 10 of the Order clarify that the amendments do not apply in relation to previously permitted development under Class Q of the GPDO in respect of which an application for a determination as to prior approval is made before 21 May 2025. Given that the application that is the subject of this appeal was received by the Council on 15 November 2024 and was determined by the Council on 17 January 2025, and this appeal was submitted on 20 May 2025, I have considered the proposal on this basis and all reference to the GPDO within this decision relate to the version that was in force at the time of the original submission.

Background and Main Issue

3. Schedule 2, Part 3, Class Q(a) of 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). Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building.
4. Where development is proposed under Class Q(a) together with Class Q(b), and the proposed works are found to be permitted development, it is subject to the condition under Paragraph Q.2(1) that before beginning the development, an application must be made to the Local Planning Authority for determination as to whether prior approval is required with regard to (a) transport and highways impacts, (b) noise impacts, (c) contamination risks, (d) flooding risks, (e) location and siting, and (f) the design and external appearance.

5. Schedule 2, Part 3, Paragraph W of the GPDO sets out that local planning authorities may refuse an application where, in its opinion, the proposed development does not comply with any conditions, limitations or restrictions specified as being applicable to the development in question.
6. The Council refused to grant prior approval on the basis that the proposal fails to demonstrate the appeal proposal constitute development permitted under Schedule 2, Part 3, Class Q. It also raised concerns as to whether the transport and highway impacts would be acceptable for the building to change from agricultural use to a dwelling.

Reasons

Whether permitted development

7. The appeal site comprises an agricultural building constructed with a steel portal frame. The structure is clad on three elevations with profiled metal and corrugated sheeting, while the front elevation remains largely open.
8. 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 Class Q 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 under Class Q.
9. 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 judgment.
10. Class Q1(j) lists a range of alterations that are permissible; however, the extent of the works is limited to those reasonably necessary for the building to function as a dwellinghouse. The appeal proposal does not include any extension, or demolition works to the existing building. However, it includes building work to facilitate the conversion of the building to residential use.
11. Whilst the existing steel frame would be retained, additional cross-bracings are proposed to accord with the assessment of the consulting engineer, who has advised that the incorporation of such bracing is necessary to provide sufficient structural stiffness. Furthermore, these works would allow the structure to have windows, doors, walls and roofs. As such, this would cumulatively take the scheme beyond conversion to a rebuild as the building could not support the new material without reinforcement.
12. Based on the above factors, I find that the extent of the works required would be so substantial that they cannot reasonably be regarded as constituting a

¹ Paragraph 13-105-20180615

² *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin)

conversion. Instead, the proposal would, in effect, constitute a rebuild or the erection of a new building in accordance with the principles established in *Hibbitt*.

13. Consequently, the appeal proposal would not meet the requirement of Class Q1 that the building be converted, and therefore, the proposal would not constitute permitted development. It follows that, as the scheme falls at this first hurdle, there is no need to go on and consider the limitations and requirements in section Q2 (1) of Class Q.
14. For the above reasons, the proposed works to the existing structure would not constitute a conversion and therefore the scheme would not meet with the requirements of permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Conclusion

15. For the reasons given above, the appeal is dismissed.

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INSPECTOR