



Appeal Decision

Site visit made on 16 October 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/E3335/W/25/3371114

**Lower Marsh Farm, Kingston Road, Kingston St Mary, Taunton, Somerset
TA2 8AB**

- 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 R Gothard against the decision of Somerset Council.
 - The application Ref is 22/25/0004/CQ.
 - The development proposed is the change of use of an agricultural building, with operational development, to a dwelling house (Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the General Permitted Development Order (the GPDO), with particular regard to: (i) the extent of the building operations required; and (ii) the effect of the proposal on the living conditions of future occupiers in relation to noise.

Reasons

Building Operations

3. The existing structure on the site is a simple agricultural barn, predominantly comprising a steel frame with a sheet metal roof, with lean-to's on both the north-western and south-western sides.
4. 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), and, under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
5. GPDO Paragraph Q.1(i) indicates that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse. Furthermore, Planning Practice Guidance (PPG)¹ states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary, and that it is only where the existing building is

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

already suitable for conversion to residential use that it would be considered to have the permitted development right.

6. In addition, the PPG specifically refers to the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin) (the Hibbitt case). Amongst other things, that case explored the distinction between works required for the conversion of an existing agricultural structure or building to a dwellinghouse, and works amounting to its rebuilding or, in effect, the creation of a new building. Ultimately, it set out that this distinction is a matter of legitimate planning judgement.
7. In this instance, the appellant has provided a structural survey (the survey) which was undertaken by Lancelot Consulting in November 2024. An updated version was then subsequently produced in June 2025. The survey concludes that the steelwork is in good to fair condition, and therefore that the main structural elements of the barn are considered to be capable of conversion without the need for replacement or strengthening works. From what I saw on my site visit, I have no reason to disagree with these conclusions.
8. Despite this, I am of the view that significant work would still be required as part of any conversion. Indeed, both the north-eastern and south-eastern elevations are currently almost entirely open sided with the exception of a small area of cladding and some supporting steel posts. The survey sets out that the existing roof cladding would need to be replaced, while the timber purlins within the rear lean-to structure would also need replacing. In addition, it notes that the existing cladding, which forms the walls of the barn, is tired with surface rust in areas and various holes around connections. Indeed, I noted during my site visit that some of the cladding did appear to be in very poor condition and would need to be repaired or replaced. Furthermore, a new concrete slab is required to form a floor.
9. When considered individually, each of the works required could be considered to be permitted by the legislation and PPG. However, I am not convinced that the totality of the required work to the walls, roof sheet and flooring could be considered to be minor in nature, and it therefore seems to me that the appellant's evidence underplays the scope and significance of this work. In my view, the extent of these works goes beyond building operations that are reasonably necessary for the building to function as a dwelling. It is therefore not possible to conclude that it is already suitable for conversion to residential use as required by the PPG. Having regard to the Hibbitt case, I am of the view that the proposal would be more akin to a partial rebuild rather than a conversion.
10. I note that the appellant has provided details of several schemes that were previously allowed at appeal. I do not have the full details of these schemes before me. However, it is clear that applications of this nature will inevitably vary in terms of the amount of work required and therefore no two proposals are the same. In any event, the Hibbitt case makes it clear that it is reasonable for the individual decision maker to exercise their own planning judgement on such matters.
11. Due to the amount of work required as part of the proposed development, I therefore conclude that it falls outside the scope of permitted development rights under Class Q(b). Accordingly, the proposal would not be permitted development.

Noise

12. The existing barn is situated in close proximity to several other barns and the main courtyard area of the farm. The Council has asserted that a lack of evidence in relation to noise, and vehicle movements on site, means that the proposal would be contrary to the conditions set out within Q.2 (1)(a), (b) and (e) of the legislation.
13. However, by their very nature, many barn conversions of this kind will inevitably have a close relationship to existing farming activities. A degree of noise and disturbance from those activities is therefore to be expected for any future occupiers of the converted barn. Moreover, it is readily apparent from the appellant's evidence, and from what I observed during my site visit, that the farm is of a relatively modest size and therefore the number of vehicle movements near to the barn are likely to be relatively limited. It is also notable that the PPG provides some examples of nearby uses that may make such a change of use undesirable². These include poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. It does not appear that any comparable use is of relevance in the context of this appeal.
14. Taking all of this into account, I am satisfied that the proposal would accord with the aforementioned conditions and that the living conditions of future occupiers would not be harmed in relation to noise.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR

² Paragraph: 109 Reference ID: 13-109-20150305