



Appeal Decision

Site visit made on 6 November 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/E3335/W/25/3370062

Chilton Trivett Farm, Blackmore Lane, Cannington, Bridgwater, Somerset TA5 2LG

- 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 Paul Coles against the decision of Somerset Council.
 - The application Ref is 13/25/00012.
 - The development proposed is the conversion and change of use of an agricultural building to five dwellings, with associated car parking and garden areas.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with the appeal. These show more detail of the existing building to be converted, and this is reflected on the amended proposed elevations, 3446-PL-06C. On amended proposed floorplan, 3446-PL-04B, a ground floor east elevation window for unit 5 has been relocated. This is not replicated on any other plan, original or amended. The Council's concerns relating to the amended plans have been considered. However, through observations on site the amended plans appear to better reflect the agricultural building in question. This decision has therefore taken account of the amended existing plans and 3446-PL-06C. It has not, however, taken account of the amended proposed plan 3446-PL04B as this does not align with the original or amended plans.
3. In the Decision Notice reasons for refusal, the Council has referred to paragraph Q.1.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This is considered a typographical error as there is no paragraph Q.1.(1) relevant to this type of prior approval in the GPDO, and the officer report instead refers to paragraph Q.1(i).

Background and Main Issues

4. The prior approval application was submitted to the Council on 15 May 2025, and as per the transitional arrangements¹ the appellant has confirmed they sought the application to be decided in respect of the previous version of the GPDO, dated 1 August 2020. This is the version considered in this appeal.

¹ set out within the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579

5. Under Schedule 2, Part 3, Class Q (b), of the GPDO², development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
6. The Council in its role as local planning authority (LPA) may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
7. The main issues are whether the proposal would constitute permitted development in respect to paragraph Q.1; and if it is found to constitute permitted development, whether prior approval would be required in accordance with paragraph Q.2, with specific regard to the character and appearance of the area.

Reasons

8. The appeal site consists of 2 buildings within a wider collection of agricultural structures which make up Chilton Trivett Farm. The farm is set back from Blackmore Road down an access track surrounded by large open fields.
9. The proposal would demolish the smaller of the buildings to provide space for vehicle parking and convert the larger building (hereon the appeal building) into 5 2-storey dwellings. The appeal building is utilitarian in construction with free standing concrete panels delineating 3 sides which do not extend to the roof. Over the concrete panels is a steel portal frame which has had 2 of its supports cut short and attached to a secondary concrete structure. The portal frame is covered on 2 sides with metal sheeting which partly covers the concrete panels on those sides. This appeal building is completely open on one side, partially open on another, has a cement sheet pitched roof with integrated clear panels, and a concrete slab floor.
10. Paragraph Q.1 sets out a series of criteria which all must be met for a proposal to be considered permitted development. The Council considers the proposal to comply with all criteria except criteria (b), (d) and (i).
11. Criterion (b) places (aa) a limit of 3 larger dwellinghouses that can be cumulatively developed under Class Q within a singular agricultural unit, or (bb) a cumulative floor space of the existing buildings changing use into dwellinghouses under Class Q to be no more than 465sqm.
12. Whilst criterion (d) sets out (i) a cumulative floor space of not more than 465sqm for larger dwellinghouses, or (ii) not more than 5 separate dwellinghouses of any size, proposed under, or previously developed under, Class Q, within an established agricultural unit. Paragraph Q.3 states a larger dwellinghouse is one with a floorspace of more than 100sqm but no more than 465sqm.
13. The Council has measured the total floorspace of the appeal building as 374sqm, and there is nothing before me to conclude otherwise. It would be converted into 3 larger and 2 smaller dwellinghouses. Therefore, if the proposal were the only

² All paragraphs here on refer to this part of the GPDO unless stated otherwise.

scheme within the established agricultural unit the proposal would comply with criteria (b) and (d).

14. However, in January 2024 prior approval under Class Q was granted for the conversion of another building in the same established agricultural unit (reference 13/23/00034). This has a floorspace of around 238sqm and has prior approval to be converted into 2 larger dwellinghouses. The details of this approval have not been submitted, but the main parties do not dispute the size of the building given prior approval. Paragraph Q.2(3) requires that any proposal given prior approval under Class Q must be completed within a period of 3 years from the date prior approval is issued. This would mean 13/23/00034 need only be completed by January 2027.
15. As both criteria (b) and (d) refer to the cumulative impact of development under Class Q, previous development under Class Q needs also to be considered. During the site visit it was observed that prior approval 13/23/00034 does not appear to have been started. Therefore, in terms of criterion (b)(aa) it cannot be considered that any larger dwellinghouses have been developed under Class Q to date. Equally, at this stage 13/23/00034 cannot be considered previous development under Class Q in relation to criteria (d).
16. However, criterion (b)(bb) expresses the cumulative floorspace as that of the existing building or buildings changing use to dwellinghouses. As prior approval 13/23/00034 is extant, the building it relates to can be considered capable of changing use until that approval expires, even though works have not begun. Therefore, with a cumulative floorspace of existing buildings totalling around 612sqm the proposal before me would fail to comply with paragraph Q.1(b)(bb).
17. It is accepted that the appellant is aware of this³ but with no mechanism to prevent the development of 13/23/00034 were this appeal allowed, this does not negate the failure to comply with paragraph Q.1(b)(bb).
18. Criterion (i) sets out the extent of building operations reasonably necessary to convert the building in question. An appeal⁴ has already been dismissed in relation to a previously Class Q scheme for the same building. The scheme before me has been considered on its own merits. Nevertheless, the plans before me clearly identify the existing materials which would be retained, so could overcome a concern relating to this in the previous appeal.
19. The appellant's Structural Survey⁵ confirms that the structure of the appeal building is sound. It states the concrete slab, existing frame, and facing materials would be suitable to support the internal insulation and structure proposed without any significant additional structural works, and that includes punching through existing structure to install the proposed fenestration. There is nothing before me to conclude otherwise.
20. The proposal would require new cladding to be attached to two sides of the existing frame, replacement of the clear roof panels, and the installation of a large number of windows and doors. Criterion (i)(i) allows the installation and replacement of such features to the extent reasonably necessary for the appeal building to function as a dwellinghouse.

³ as set out in paragraph 4.2.11 of the appellant's statement of case

⁴ APP/E3335/3332124

⁵ Undertaken by Nova Surveyors, Reference 062/25, dated 1 April 2025

21. However, it is necessary for the proposal to comply with all parts of paragraph Q.1, and that the proposal could comply with criterion Q1.(i)(i) does not negate its failure to comply with criterion Q.1(b)(bb). The proposal would not, therefore, constitute permitted development under Class Q(b).
22. As considerations in relation to prior approval are a follow-on condition stage under paragraph Q.2, they can therefore only apply if the development is otherwise permitted development. As the proposal would fail to constitute permitted development, there is no need to consider whether prior approval is required.

Other Matters

23. The appellant has drawn my attention to other prior approval applications and appeals. Although these highlight the difference in what can be reasonably necessary in terms of replacement and installation of various features, they only serve to confirm that each case should be considered carefully on its own merits.

Conclusion

24. For the reasons given above the appeal is, therefore, dismissed.

RJ Redford

INSPECTOR