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## Appeal Decision

Site visit made on 24 November 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

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**Appeal Ref: APP/E3335/W/25/3373496**

**Woodham's Farm Buildings, Greenham Road, Wellington, TA21 0JW**

- 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 A Hurford against the decision of Somerset Council.
  - The application Ref is 35/25/0001/CQ.
  - The development proposed is change of use from agricultural building to 1 No. dwelling house (Class C3) and associated building operations.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As the description of development provided on the application form states 'please refer to the planning statement', I have utilised the description of development provided on the decision notice in the banner heading above, as this adequately describes the proposal.
3. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The amending order provided transitional provisions where prior approval applications could be made in respect of the old Class Q legislation until the end of 20 May 2025. The application subject to this appeal was submitted to the Council prior to that date and was determined under the old Class Q legislation. Therefore, despite my attention being brought to the implications of the amended GPDO in relation to 'reasonably necessary works', I shall determine the appeal on the same basis as the Council.
4. An interested party has submitted representations including a statutory declaration and associated photographs. The representations relate directly to the Council's reasons for refusal and have been submitted within the appeal timetable. As such, given the opportunity for the appellant to fully respond within their final comments, and that the representations do not raise any additional matters, I do not consider that any party will be prejudiced if I take the representation into account. I have subsequently referred to it in reaching my decision.

### Background and Main Issues

5. Schedule 2, Part 3, Class Q of the GPDO permits (a) the change of use of an agricultural building to residential use; or (b) the change of use together with

building operations reasonably necessary to convert the building. In this case, both change of use and building operations to convert the building in question are proposed.

6. In the Councils view, the proposal would not meet the provisions of paragraph Q1(g) of the GPDO in that building works have been undertaken to the appeal building which would in itself have required prior approval under Class A(a) or Class B(a) of Schedule 2, Part 6 of the GPDO. Furthermore, the main parties disagree as to whether the proposed building operations go beyond what is reasonably necessary to convert the appeal building, and therefore, whether it would fall within the scope of development permitted by Class Q(b).
7. Consequently, the main issues are:
  - whether previous alterations to the appeal building mean that the proposal would comply with the provisions of GPDO paragraph Q1(g) and therefore amount to permitted development; and
  - whether the extent of the proposed building operations would comply with GPDO paragraph Q1(i).

## Reasons

### *Previous alterations*

8. The appeal building is a detached steel portal-framed agricultural building with a dual pitched roof and at the time of my visit was enclosed on two sides by concrete block with cladding above, with a third side enclosed with cladding.
9. I observed on site that the roof, steel frame and block work walls with cladding above looked likely to have been in situ for a considerable period of time. Whilst the Council and an interested party state that the south-east elevation has recently been clad, it is claimed by the appellants that works were undertaken as general repair and maintenance. They further state that no more than 10% of the building covering or 'the odd sheet or two' at any given time has been replaced.
10. The appellant's structural survey<sup>1</sup> (SS) also states that 'It is reasonable to suggest that the originally fibre cement sheets (Asbestos, big 6") corrugated cladding has been replaced periodically with alternative metal profile sheets as and when required as part of general building maintenance and refurbishment'.
11. However, photographs submitted by an interested party clearly show the building to be open on two sides, with a lack of cladding to the south-east elevation. There is a marked contrast between how the appeal building previously looked and its current appearance. The addition of cladding to the south-east elevation results in a building fully enclosed on three sides, with associated differing functionality and more substantial appearance
12. The photographs are supplemented by a statutory declaration from Mr Walter Longden confirming dates of when photographs were taken. Given that they were taken over a period from 2020 to 2025, during which the third side appears continuously open, I find the evidence to be compelling that the works to enclose

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<sup>1</sup> Torstructures ref: Report/1422/cs/report

the third side are beyond general building maintenance and refurbishment. The appellants are unable to produce any substantive evidence to the contrary.

13. I am mindful of Section 55(2)(a) of the Town and Country Planning Act 1990 (as amended), which excludes from the definition of development works for the maintenance, improvement, or other alteration of any building which (i) affect only the interior or (ii) do not materially affect the external appearance of the building. Notwithstanding that the size and position of the barn have not changed over time, the changes previously undertaken to the exterior of the building are not minor and could reasonably be described as having materially affected the external appearance of the building.
14. In conclusion, these works go above and beyond the reasonable understanding of general repair and maintenance. Consequently, these works constitute development as set out in Section 55(2)(a) of the Act. As development has been carried out on the established unit during the preceding 10 years, the appeal proposal would not accord with the provisions of GPDO paragraph Q1(g) and therefore is not permitted development under Schedule 2, Part 3, Class Q of the GPDO.

#### *Building operations*

15. Paragraph Q1(i) of the GPDO identifies the extent of building works permitted under Class Q as being those reasonably necessary for the building to function as a dwellinghouse. These include the installation or replacement of windows, doors, roofs, or exterior walls. The Planning Practice Guidance (PPG) advises, amongst other things, that the Class Q right assumes that the agricultural building is capable of functioning as a dwelling. It is therefore not the intention of Class Q to allow rebuilding work which would go beyond 'reasonably necessary'.
16. The PPG also states that internal works are not generally development and that for the building to function as a dwelling, it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q of the GPDO.
17. The GPDO does not define what is meant by 'reasonably necessary' building operations. However, the court judgement in the case of *Hibbitt*<sup>2</sup>, considers how this element of the Order should be interpreted. The judgment found that whilst some building operations which would affect the external appearance of the building should be permitted, the building must be capable of conversion to residential use without operations that would amount either to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building. Whether or not the proposals go beyond the scope of conversion is a matter of fact and degree and planning judgement.
18. The SS concludes that the 'building would appear suitable for conversion in accordance with those conditions and restrictions of an application in accordance with Class Q', and found no evidence of settlement or movement that would suggest walls are not suitably founded. However, no determination was made of the presence, condition or otherwise of foundations to the building that might otherwise have a further detrimental effect on the stability of the building. The SS

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<sup>2</sup> *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853

also provides further uncertainty over the adequacy of the roof purlins and cladding rails to support the increase in roof load that will occur from the installation of insulation and ceiling finishes, recommending that additional appraisal would be required.

19. The appellant's planning statement outlines that the proposal includes limited external works and the structure will remain largely as existing, with the majority of the external materials retained. It continues that the proposal is for a 'two-storey dwelling. With the provision of internal insulation to the roof, walls, and floor, and the barn could be converted into habitable accommodation using the existing structure'.
20. However, no schedule of works, method statement or other details have been provided to outline the full extent of the works required. In combination with the uncertainty provided within the SS, I cannot be sure that given the breadth of the proposed works, significant works would not be required to the pre-existing structure that amount either to complete or substantial rebuilding.
21. To conclude, having regard to the evidence before me and given the potential scale and extent of the works, I am not satisfied that the existing building is structurally capable and suitable for conversion to a dwellinghouse in the manner proposed. It follows therefore, that the proposal cannot reasonably be described as the conversion of the existing building given the extent of potential works required, and the appeal proposal would not accord with the provisions of GPDO paragraph Q1(g).

### **Other Matters**

22. My attention has been drawn to a differing prior approval application<sup>3</sup> relating to a nearby building. However, the full details of that case, including details on its planning history, structure, or context, are not before me. I am therefore unable to assess any direct comparability to the current appeal proposal.
23. I understand that there is a real prospect of the conversion taking place if the appeal were to be allowed which could accommodate a young family. It is further put to me that occupation of the proposal could also release two 'affordable' rental dwellings to the private market. Even if this is the case, as the appeal relates to prior approval, these issues fall outside the scope of matters that can be considered in this appeal.
24. Concerns have been raised in relation to alleged trespass. However, matters of trespass are outside of the remit of the planning system.

### **Conclusion**

25. For the reasons given above, I conclude that the proposal would not comply with GPDO paragraph Q1(g) or Q1(i) and is therefore not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

*S Harrington*

INSPECTOR

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<sup>3</sup> 35/250011/CQ