



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: 10th December 2025

Appeal Ref: APP/E3335/W/25/3369977

Land to the south-east of Stawell Road, Stawell, Bridgwater, Somerset TA7

- 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 Stephen Osborne against the decision of Somerset Council.
 - The application Ref is 46/25/00004.
 - The development proposed is for the conversion of an agricultural building to single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site does not have a postal address and the above is descriptive. The location can be identified by Ordnance Survey grid reference ST 36063 38116.

Background and Main Issues

3. The prior approval application was submitted to the Council on 2 May 2025. Although not specified by the main parties, as per the transitional arrangements¹ the Council's officer report has assessed the application against the previous version of the Town and Country Planning (General Permitted Development) (England) Order 2015, dated 1 August 2020 (the GPDO). This is the version considered in this appeal.
4. 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.
5. 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.
6. If the proposal complies with all the restrictions set out in paragraphs Q.1 and Q.2, then prior approval is granted, subject to Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).

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

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

7. The main issues are whether the proposed development would constitute permitted development in respect to paragraph Q.1; and if the proposal is found to constitute permitted development, whether prior approval would be required in accordance with paragraph Q.2, with specific regard to flood risk and the living conditions of future occupants; and whether the proposal would comply with the Habitat Regulations.

Reasons

Paragraph Q.1

8. The appeal building is located in a large flat field. There is another agricultural building in the same field, and both are close to the road access. These buildings form a cluster with further agricultural buildings in the next field.
9. The appeal building has a wood frame with a concrete floor slab, supported on 1m deep concrete pads. Externally the roof and 3 elevations are clad with profile sheeting. There are ventilation gaps between the roof and wall cladding, the road facing elevation is only clad on the upper half, and the final elevation is left completely open.
10. Paragraph Q.1 set 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 criterion (i).
11. Criterion (i) sets out the extent of building operations reasonably necessary to convert the building in question. Specifically, criterion (i)(i) allows the installation and replacement of windows, doors roofs or exterior walls, and water, drainage, electricity, gas or other services.
12. The appellant's Structural Engineer's Survey³ confirms that the building is on firm strata and not on alluvial soils, and that the frame would be able to support the proposed internal layout. There is no reason for me to question the content of this survey, or that the proposed works to the footings of some of the frame supports would be beyond that which could be considered repair.
13. However, the existing metal sheeting does not fully cover any singular elevation, and the roof cladding does not fully extend to the front of the building leaving the frame exposed. The building would therefore need to be made watertight for it to be suitable for conversion and the submitted plans lack the necessary clarity of detail to confirm how this would be achieved without removing the existing cladding.
14. Therefore, without clear detail of the practicality and feasibility in retaining the existing walls and roof, there is nothing before me to prevent the building being stripped back to the wooden frame and new walls and roof being constructed. Were this to happen, it would not constitute a conversion but be more akin to a rebuild. This would have a starting point not dissimilar to that within the Hibbitt case⁴, referred to by both main parties.
15. Accordingly, although Criterion Q1.(i) does allow the potential for substantial works they must be reasonably necessary to convert the building and for the reason set

³ Undertaken by David Bearman Ltd, reference 24/804 and dated 5 December 2024

⁴ Hibbitt v SSCLG [2016] EWHC 2853

out above, the plans would allow for a scheme that would include the complete construction of all 4 walls and the roof. This would go beyond what could be considered a conversion and so the proposal would not comply with paragraph Q.1. It would not, therefore, constitute permitted development under Class Q(b).

16. 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. This would also be the case for assessment against the Habitat Regulations.

Other Matters

17. It is noted the appellant has submitted a list of other Class Q prior approvals and planning permissions. However, from the limited details provided it cannot be concluded whether the circumstances are substantially similar to that which is before me.

Conclusion

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

RJ Redford

INSPECTOR