



Appeal Decision

Site visit made on 14 January 2026

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/E3335/W/25/3373901

Land near Mendip Farm, Mendip Road, Stoke St Michael, Radstock BA3 5JU

- 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(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nick Brownlow against the decision of Somerset Council.
 - The application Ref is 2025/0100/PAA.
 - The development proposed is the change of use of agricultural land and buildings to 3 dwellinghouses.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q.(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural land and buildings to 3 dwellinghouses at land near Mendip Farm, Mendip Road, Stoke St Michael, Radstock BA3 5JU in accordance with the application 2025/0100/PAA and the details submitted with it subject to the following conditions:
 - 1) The change of use hereby permitted shall be carried out in accordance with drawing nos: Mendip Plan – 01B; Mendip Plan – 02A; and Mendip Farm – 07B except in respect to the buildings identified for demolition.

Preliminary Matters

2. The appellant applied for determination of prior approval for the change of use of 3 agricultural buildings and associated land into 3 dwellings, 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) (hereon the GPDO)¹.
3. The application form and supporting letter (dated 21 January 2025) clearly state that the appellant is seeking determination under Class Q(a) which deals with the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage to a dwellinghouse(s). Other parts of Class Q deal with the need to extend a building or necessary building operations reasonably necessary to convert the building including partial demolition.
4. This appeal's considerations are therefore limited to the proposed change of use only and not the building operations² shown on drawing "Mendip Farm – 09". As

¹ All paragraphs here on refer to this part of the GPDO unless stated otherwise.

² As defined by paragraph Q.1(j) of Schedule 2, Part 3 of the GPDO

such this plan is considered indicative only, as is the proposed demolition of other buildings shown on drawing “Mendip Farm – 07B”.

Background and Main Issue

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 Q1. and Q2.
6. In relation to the Part Q(a) the Council considers the proposal to comply with all relevant criteria within Paragraph Q1. There is nothing before me to conclude otherwise including observations during the site visit.
7. Paragraph Q2.(2) goes on to confirm that development proposed under Class Q.(a) is permitted subject to the condition that before beginning the development prior approval from the LPA is required in relation to the items set out in Paragraph Q2.(1)(a) to (e) and (g), and the provision of Paragraph W.
8. The Council has issued a Decision Notice, with supporting officer report, that prior approval is refused in relation to Paragraph Q2.(1)(e), whether the location or siting of the building makes it otherwise impractical or undesirable for it to change use to a dwellinghouse.
9. However, Paragraph W.(11) provides the criteria necessary for development to commence, and that is whether (a) by receipt of a written notice from the LPA determining that prior approval is not required; (b) by receipt of a written notice from the LPA determining that prior approval is given; or (c) the expiry of 56 days following the date on which the application under sub-paragraph W(2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused. The applicant contends that the Council did not meet this timeframe when issuing its prior approval decision.
10. Therefore, the main issue is whether prior approval is deemed to be granted with regard to the relevant requirements of Paragraph W, and if this is not the case, whether prior approval would be required in accordance with paragraph Q2.(1), with specific regard to the safeguarding of mineral extraction.

Reasons

11. Paragraph W.(2) sets out the documentation required to accompany a prior approval application. Within a letter dated 27 January 2025 and issued by the Council, it was confirmed that the application was valid on 24 January 2025 and that the 56 days set out within Paragraph W.(11)(c) would expire on the 21 March 2025. There is nothing before me to conclude that this was not the case.
12. Although the Council’s officer report is dated 19 March 2025, the Decision Notice is dated 3 April 2025 and issued accordingly. The decision was therefore issued after the 56 days application period had expired. As the Council did not provide the written notice within the prescribed timeframe set out in Paragraph W.(11)(c) development could commence.
13. As prior approval is deemed to be granted with regard to the relevant requirements of Paragraph (W), it is not necessary to consider the proposal against Q2.(1).

Conditions

14. Paragraph Q2.(4) provides a time period condition for completion of the proposed development. Paragraph W.(12) of the GPDO sets out standard conditions requiring that when Paragraph W.(11)(c) applies, development must be carried out in accordance with the details provided in the application unless the local planning authority and the developer agree otherwise in writing.
15. However, Paragraph W.(13) provides for additional conditions to be attached that are reasonably related to the subject matter of the prior approval. Due to the building operations and demolition shown on some of the drawings, I find it necessary to include a plans condition to ensure certainty as to what the prior approval relates to. Since finding that prior approval is deemed to have been granted, there is no facility to attach further conditions in addition to the standard ones.

Conclusion

16. For the reasons given above the appeal should be allowed and prior approval is deemed to be granted.

RJ Redford

INSPECTOR