
Appeal Decision

Site visit made on 19 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/E3335/W/25/3375104

Puthill Farm, Lynch Field Part OS 6700, Limekiln Lane, Winsham, Chard, Somerset TA20 4EJ

- 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, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Joshua Taylor against the decision of Somerset Council.
 - The application Ref is 25/01263/PAMB.
 - The development proposed is conversion of an existing agricultural building into a single residential dwelling.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of an existing agricultural building into a single residential dwelling at Puthill Farm, Lynch Field Part OS 6700, Limekiln Lane, Winsham, Chard, Somerset TA20 4EJ in accordance with the application 25/01263/PAMB and the details submitted with it and subject to the standard conditions outlined in the GPDO and the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: A-101 Rev 01; A-102 Rev01; A-230 Rev01; A-231 Rev01; A-232 Rev01; A-233 Rev01; A-234 Rev01; A-235 Rev01; A-240 Rev00.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No. 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. The amending order provided transitional provisions where prior approval applications could be made in respect of the old Class Q legislation until the 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, I shall determine the appeal on the same basis as the Council.
3. Following the decision of the Council, the appellant has submitted amended plans which reduce the size of the delineated curtilage, removes a small canopy above a door and details retained elements. They suggest that this information should be considered in the appeal decision to address the Council's reasons for refusal.
4. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a

fresh application. I have had regard to the principles of Holborn¹, the degree of engagement of all parties and the interests of fairness. Noting that the amended plans do not fundamentally change the proposal, reduces but does not extend the site area, the lack of third parties' representations in respect of the matters, and the opportunity for the Council to fully respond, I do not consider that any party will be prejudiced if I take the information into account. I have subsequently referred to them in reaching my decision.

Background and Main Issue

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. The Council refused the application on the basis that the proposed residential curtilage exceeds the requirements within paragraph Q.3 (1)(b); that the scope of the building operations proposed would not constitute a conversion of the building; and that a proposed canopy would extend beyond the external dimensions of the existing building.
7. However, having reviewed the amended plans, the Council have stated that they appear to have overcome their 1st and 3rd reasons for refusal, and having regard to the requirements of Schedule 2, Part 3 Class Q of the GPDO, I see no reason to disagree.
8. Therefore, the main issue is whether the proposal would be permitted development by virtue of Schedule 2, Part 3, Class Q of the GPDO, having regard to the extent of the proposed building operations and the requirements of the Order.

Reasons

9. 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. The Planning Practice Guidance (PPG) reiterates that the right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
10. The PPG continues 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'.
11. The GPDO does not define what is meant by 'reasonably necessary' building operations. However, the court judgement in the case of Hibbitt², 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

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853

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.

12. I observed the building to be as described within the appellant's Structural Survey Report³ (SSR) and in reasonable condition. The SSR details that all the main structural members that would be anticipated to be part of the frame were found to be present and in good condition, as well as the majority of wall cladding and the roof. Whilst the SSR does highlight that one column is out of plumb, it is stated that this is not adversely affecting the overall stability of the steel frame.
13. As such, the SSR concludes that the conversion would not require any major structural modifications. No substantive contrary evidence has been provided to me, and from my observations I see no reason to disagree with the findings of the SSR.
14. Nevertheless, the appeal building is currently largely open to two sides, with the proposal seeking to install new exterior wall sections to enclose the building. Further elevational changes are proposed including new doors and windows.
15. However, the roof would be retained, and whilst the Council indicate that existing walls would be completely removed, the proposed plans and supporting documentation indicate that the existing cladded walls would be retained and augmented. I see no reason why this would not be the case, and in my view, the building operations proposed are not significant alterations that involve significant removal and replacement of existing materials or structural works. The proposal would not amount to complete or substantial rebuilding of the pre-existing structure.
16. To conclude, the substantive evidence before me indicates that the works required for the conversion would utilise the existing structure. I find that the building operations would be reasonably necessary for the building to function as a dwellinghouse and would not exceed the limitations set out in paragraph Q.1(i). As such the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

17. The conditions set out in paragraph Q2(1) (a) to (g) relate to certain details of the proposed development, including transport and highways, noise, contamination, flooding, location or siting, design or external appearance and the provision of adequate natural light in all habitable rooms. The Council raises no concerns in relation to these details. Based on the evidence before me and my observations on site, I have reached the same finding in respect of these matters.

Conditions

18. The Council has provided a list of conditions in the event that the appeal is allowed, which I have assessed having regard to the advice in the PPG. Paragraph Q.2(3) of the GPDO stipulates that development under Class Q is permitted subject to the condition that development must be completed within a

³ Ref:167596 May 2025

period of 3 years starting with the prior approval date. Further standard conditions are set out in paragraph W that requires development to be undertaken in accordance with the details provided in the application. However, given the provision of amended plans, a condition is necessary for clarity.

19. The GPDO allows other conditions to be imposed subject to them being reasonably related to the subject matter. However, Electric Vehicle charging is covered by other legislative regimes, so a condition is not necessary. Furthermore, given the proposal relates to a specific curtilage area, and having regard to the position of the building, and the rural character of the area, I see no reason why a condition is necessary to restrict permitted development rights in respect of gates, fences, walls or other enclosures at the application site.

Conclusion

20. For the reasons given above the appeal is allowed and prior approval is granted.

S Harrington

INSPECTOR