
Appeal Decision

Site visit made on 2 February 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/E3335/W/25/3374879

Babington Stables, Lowerfield Farm, Hoares Lane, Babington, Frome, Somerset BA11 3RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Mrs Dide Lucas against the decision of Somerset Council.
 - The application Ref is 2025/0887/PAA.
 - The development proposed is Prior Approval for a proposed change of use of agricultural building to 1no. dwellinghouses (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Class Q of the General Permitted Development Order (GPDO) permits the change of use of an agricultural building, and any land within its curtilage, to a residential use, and any building operations reasonably necessary to convert the building. Amendments to Class Q took effect from 21 May 2024. However, under temporary transitional arrangements, applications could be made until May 2025 for development which would have been compliant with the previous rules. The appeal involves such a scheme, and I shall determine it under the old rules.
3. The proposal seeks to convert an existing modern barn to form a single dwelling. The Council's Decision Notice contained no reasons for refusal. However, its concerns were set out in the Officer Report and subsequently, and are agreed between the Council and the appellant. I am satisfied that no party would be prejudiced by my determining the appeal on this basis.
4. For the purposes of Class Q, under Paragraph X of Part 3 of Schedule 2 of the GPDO, 'curtilage' means the lesser of (a) the piece of land, immediately beside or around the building, closely associated with it and serving its purposes; or (b) an area of land immediately beside or around the building no larger than the land area occupied by the agricultural building. Amongst other things, a matter of dispute is whether the proposal accords with the curtilage requirements of the GPDO.
5. The main issue is whether the proposal complies with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO in respect of its curtilage.

Reasons

6. The application submission included plans with a red line encompassing land around the appeal site, and the access track. A Site Block Plan showed landscaping and hardstanding around the building, within the red line. The appellant's Planning Statement specifically states that the red line boundary defines the residential curtilage. There is no dispute that the area shown thus in the originally submitted Site Block Plan significantly exceeds the limit set out at GPDO Paragraph X of Part 3.
7. At appeal stage, the appellant has provided an amended plan. This has the same red line as previously, but shows sub-divisions within the site, and a defined residential curtilage no larger than the appeal building. The remaining areas of land would be used in connection with agricultural activities. The landscaping and hardstanding areas outside of the revised curtilage are not shown on the amended plan.
8. The hardstanding and landscaping works may not have required planning permission. Even so, in the context of the proposal before me, the amendments including to the curtilage would amount to a fundamental change to the scheme which was before the Council, and on which third parties were consulted.
9. The Planning Practice Guidance¹ advises that appeals should be determined as if the application had been made to the Secretary of State in the first instance. That said, it makes clear that, in general, appeals are determined on the same basis as the original application. The Inspectorate's Guidance² similarly states that the appeal process should not be used to evolve a scheme. Consequently, I will make my decision based on the plans and information as determined by the Council.
10. Based on the original plans, it follows that the proposal does not comply with the requirements of Schedule 2, Part 3, Class Q of the GPDO in respect of curtilage, and so does not constitute permitted development. As such, I could not lawfully grant prior approval.

Other Matter

11. Whether the proposal would amount to a conversion is also a matter of dispute. However, as I have found that it does not comply with the description of permitted development, I do not need to consider this issue further. The appellant states that the Council did not advise of its concerns prior to determination. However, this does not change my findings above.

Conclusion

12. For the reasons given above, the appeal is dismissed.

O Marigold

INSPECTOR

¹ Paragraph: 006 Reference ID: 16-006-20140306.

² Planning Inspectorate 'Procedural Guide: Planning Appeals – England'.