



Appeal Decision

Site visit made on 3 February 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/E3335/W/25/3375198

Redhouse Farm, White Post to Charlton Road, Stratton On The Fosse, Shepton Mallet, Somerset BA3 4QE

- 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 GPDO).
 - The appeal is made by Mrs V Creed against the decision of Somerset Council.
 - The application Ref is 2025/0496/PAA.
 - The development proposed is former barn farm building to be converted into 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a Structural Condition Report (SCR), and a Design, Access and Planning Statement dated 27 August 2025 and December 2024 respectively. The former was undertaken after the decision notice was issued, whilst the Council claims that the latter was not submitted with the application. These documents do not involve a substantial difference or fundamental change.
3. Due to the nature of these documents and that the Council has had the opportunity to review them, I am satisfied that taking them into account would not cause procedural unfairness to anyone involved in the appeal. As such, I have accepted the documents.
4. 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 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. I have determined the appeal on the same basis.
5. The old Class Q legislation permits development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling with Class C3 (dwellinghouses) of the Schedule. This is subject to limitations and conditions.

Main Issues

6. In its role as local planning authority, the Council may refuse a prior approval application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable it to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2 of the GPDO.
7. Paragraph Q.1 sets out a series of criteria that must all be met for a proposal to be considered permitted development. The Council considers that the proposal does not comply with criterion Q.1(b)(i)(aa) and that insufficient information has been provided to demonstrate compliance with criterion Q.1(i)(i). It is also of the view that insufficient information has been provided in relation to conditions Q2(1)(a), (d) and (f).
8. Therefore, the main issues are whether the proposed development would constitute permitted development in respect of paragraph Q.1 of the GPDO; and if so, whether prior approval would be required in accordance with the conditions set out in Paragraph Q.2(1) of the GPDO.

Reasons

9. The appeal building is a single storey agricultural barn consisting of concrete block walls and steel uprights, supporting a fibre-cement roof covering, on a concrete base. This building would be converted into 4 dwellings, each with an open plan living space, utility and 2 bedrooms to the ground floor and a further bedroom and bathroom to a new first floor level created within the existing structure.
10. Criterion Q.1(b)(i)(aa) restricts the cumulative number of separate larger dwellinghouses developed under Class Q to no more than 3. Paragraph Q.3 states that a larger dwellinghouse is one with a floorspace of more than 100sqm but not more than 465sqm.
11. The submitted floor plan does not indicate the total floor space in sqm of each dwelling as well as the dimensions of each room, despite the requirement in Paragraph W.(2)(bc) of the GPDO. The Council has measured the floorspace of the dwellings and concluded that each would exceed 100sqm. Whilst the appellant's architect confirms that the total floor area of each dwelling would exceed 100sqm, it is asserted that the floor area using the 'published guidance', and not including non-useable space, would be 99sqm per dwelling.
12. The identity of the 'published guidance' is not given by the appellant but having read the text it does align with that in the 'Technical housing standards – nationally described space standard'¹. This sets out requirements for the Gross Internal (floor) Area of new dwellings and discounts areas below a certain ceiling height. It emphasises that it is relevant only in determining compliance with the standard and has no other statutory meaning or use. Therefore, it is not applicable to calculating the floor space of dwellinghouses developed under Class Q.
13. On this basis, and that Article 2(1) of the GPDO confirms that, for the purposes of the Order, 'floor space' means the total floor space in a building or buildings, each

¹ Technical housing standards – nationally described space standard, Department for Communities and Local Government March 2015

dwelling would surpass 100sqm. Consequently, this would result in 4 larger dwellinghouses and the proposal would not accord with criterion Q.1(b)(i)(aa).

14. I recognise that it might be possible to reduce the total floorspace so each dwelling would be under this threshold. Nevertheless, this does not form part of the appeal scheme, and I have made a determination based on the proposal before me.
15. Criterion Q.1(i) permits the installation or replacement of windows, doors, roofs or exterior walls, or water drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance provides further guidance in this regard highlighting that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to a residential use. Therefore, it is only where the existing buildings is already suitable for conversion to a residential use that the building would be considered to have the permitted development right.
16. The SCR identifies that the building appears to have been structurally well designed and constructed with no signs of significant structural defects, historic deterioration or over-stressing. The proposed plans, which includes the new first floor accommodation, have been inspected by the SCR's author. The SCR concludes that the building is sound and in reasonable condition, requiring no demolition, or rebuilding works and could be converted without the introduction of any new structural elements. In the absence of contrary evidence and based on my own observations, there is no reason to disagree with the findings.
17. The proposal would also see the alteration to existing openings and the creation of new openings as well as the insertion of lightweight internal insulation. These would be reasonably necessary to make the building suitable for human habitation. Due to the scale and nature of these factors, I am satisfied that they would all comply with criterion Q.1(i).
18. For the above reasons and as it is necessary for the proposed development to comply with all the relevant criteria, the proposed development would not constitute permitted development in respect of paragraph Q.1 of the GPDO.
19. As considerations in relation to prior approval are a follow-on condition stage under Paragraph Q.2(1) of the GPDO, they can therefore only apply if the development is otherwise permitted development. As the proposal would fail to constitute permitted development, there is no need for me to consider whether prior approval is required.

Other Matters

20. Benefits associated with the proposal, including the delivery of 4 dwellings, have been raised. However, as this is a prior approval application and not a planning application, I am restricted to consideration of compliance with the GPDO.

Conclusion

21. For the reasons set out above, the appeal is dismissed.

P Barton INSPECTOR