
Appeal Decision

Site visit made on 7 April 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/E3335/W/25/3375815

Agricultural Building At Land OS 5734, Aller Hill, Langport, Somerset

- 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 and Mrs Brian Tapp against the decision of Somerset Council.
 - The application Ref is 25/01443/PAMB.
 - The development proposed is change of use and conversion of one agricultural building into 3 No. dwellings (Use Class C3) and associated building operations.
-

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) for proposed change of use and conversion of one agricultural building into 3 No. dwellings (Use Class C3) and associated building operations at Agricultural Building At Land OS 5734, Aller Hill, Langport, Somerset in accordance with the application reference 25/01443/PAMB and the details submitted with it.

Preliminary Matters

2. I have used the description of the proposal and the site address as set out in the Council's Decision Notice, which are clearer and more accurate than those used in the application form. The appellants have used these in the appeal form and so I am satisfied that no party would be prejudiced as a result.

Background and Main Issue

3. Class Q of the General Permitted Development Order (GPDO) permits the change of use of a building from agricultural to residential use and any building operations reasonably necessary. However, under GPDO paragraph Q1(g), these are not permitted if agricultural development under Classes A(a) or B(a) of GPDO Part 6 has been carried out within a period of 10 years before the Class Q proposal begins. Whether this has occurred is a matter of dispute between the Council and the appellants.
4. The parties also disagree about whether the proposal complies with GPDO paragraph Q1(p), which requires the existing access to the building to be suitable. For the same reason, the parties dispute whether prior approval should be granted in respect of transport and highway impacts under paragraph Q2(1)(a), and whether its location or siting would otherwise be impractical or undesirable under paragraph Q2(1)(e).

5. The main issues are:

- whether the proposal accords with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO in respect of previous Part 6 development, and
- whether the proposal accords with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO in respect of access, whether its transport and highway impacts would be acceptable, and whether its location and siting would make it impractical or undesirable.

Reasons

Part 6 Development

6. Prior Approval under Part 6 of the GPDO was granted for a barn at the unit in 2018¹. However, although partially overlapping, a building was subsequently erected with a different orientation and position to that which was approved. It was also built using different materials to those shown on the approved application form, such as timber space boarding and concrete panels.
7. Consequently, the appeal building was not carried out under the Prior Approval rights under GPDO Part 6, but instead constitutes a different structure. Indeed, in 2025² the Council granted retrospective planning permission for the building as erected, and it is this building which is the subject of the appeal before me. There is no dispute that another Prior Approval³ granted to erect a second building nearby has not been utilised. No other development within the unit carried out using the rights under GPDO Part 6 has been drawn to my attention.
8. It follows that development under Class A(a) or B(a) of GPDO Part 6 has not been carried out, regardless of when the appeal building was built. Accordingly, the proposal does not conflict with paragraph Q1(g) of the GPDO. For these reasons, I conclude that it accords with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO in respect of previous Part 6 development.

Access

9. Access to the site is achieved via a track from the nearest public highway. The track has a surface that is consolidated but rough. Although not a reason for refusal, the Council has questioned whether the track is adequate, for instance for delivery vehicles or the emergency services, or in poor weather.
10. That said, the track does have a hard surface and is practically usable by vehicles, including domestic cars. The Highway Authority raised no objections to the additional use of the track, and the Council comments that it could be improved through minor works. As such, the access would be suitable for the proposal, and would not make residential use impractical or undesirable. It therefore accords with GPDO paragraph Q1(p). For the same reasons, it would also be acceptable under paragraphs Q2(1)(a) and Q2(1)(e).

¹ LPA reference 18/00635/AGN

² LPA reference 25/00347/FUL

³ LPA reference 23/03225/AGN

11. On this basis, I conclude that the proposal would accord with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO in respect of access. I similarly conclude that its transport and highway impacts would be acceptable, and that the location and siting of the building do not make the proposal impractical or undesirable.

Conclusion

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

O Marigold

INSPECTOR