



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: 17 April 2026

Appeal Ref: APP/E3335/W/25/3376321

Forest Farm, Curland Road, Curland, Taunton TA3 5SA

- 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 S Milsted against the decision of Somerset Council.
 - The application Ref is 15/25/0004/CQ.
 - The development is proposed change of use from agricultural building to 1 No. dwelling house (Class C3) and associated building operations.
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Decision

1. The appeal is allowed and prior approval is granted for proposed change of use from agricultural building to 1 No. dwelling house (Class C3) and associated building operations at Forest Farm, Curland Road, Curland, Taunton TA3 5SA in accordance with the terms of the application, Ref 15/25/0004/CQ, including plans E200, P100 and P200 Rev B, and subject to the following conditions:
 - 1) No vegetation or building removal works shall take place between 1st March and 31st August inclusive in any calendar year, unless details of the surveying of trees, shrubs, scrub and tall ruderal vegetation to be cleared, and of measures to be put in place to protect nesting birds, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 2) The dwelling hereby approved shall not be occupied until a bat box and a bird nesting box have been installed in accordance with the recommendations of the submitted Bat and Breeding Bird Survey.

Application for Costs

2. An application for costs was made by Mr S Milsted against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I have used the description of the proposal as set out in the Council's Decision Notice, but omitting a superfluous repetition of the site address. The appellant has used this revised description in the appeal form and so I am satisfied that no party would be prejudiced because of this.

Background and Main Issue

4. Schedule 2, Part 3, 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. That said, under 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 so I shall determine it under the old rules.

5. The proposal seeks to convert an existing modern barn to form a single dwelling. The change of use is only permitted by the GPDO under Class Q subject to prior approval in respect of certain matters. These include, at paragraph Q2(1)(e), whether the location or siting of the building makes it impractical or undesirable for the change of use to take place. In this case, the concerns of the Council relate to the proximity of the appeal building to the surrounding agricultural uses and their effects on future occupiers of the proposal.
6. The appeal is accompanied by a Unilateral Undertaking (UU) under the Town and Country Planning Act 1990, dated 25 November 2025. The UU confirms that the owner undertakes not to sell, lease or dispose of the proposed dwelling separately from the rest of the farmyard. However, this is only provided as a last resort, with the appellant not wishing to be constrained by the UU if possible. The main issue is whether the proposal would provide adequate living conditions for future occupiers of the dwelling in respect of noise and disturbance.

Reasons

7. The appeal site consists of a large modern barn located towards the rear of a farmyard. The proposal seeks to convert it to form one dwelling. Within the farmyard is a large Dutch barn with a lean-to (the Dutch barn), piggery walls and other buildings. There is a concrete yard area to the front of the proposed dwelling, outside the Dutch barn's main entrance, and another yard to the side of the appeal building. The application site boundary is drawn to exclude other buildings, but the wider farmyard is within the appellant's ownership.
8. The appeal building and the Dutch barn were the subject of an agricultural tenancy, said to be a low level of use, and the tenant farmer consented to the proposal. I am told that the tenancy has now been terminated, although at the time of my visit both buildings contained large farm vehicles and machinery. The Planning Practice Guidance¹ gives examples of locations that would be undesirable for residential use, such as those adjacent to an intensive poultry use, but its list is not exhaustive.
9. I understand that the appellant intends to occupy the new dwelling himself, and has no intention of reinstating agricultural use of the Dutch barn. He also intends to convert the remaining buildings to different uses, but no details of planning permission for this are before me. On this basis, the farmyard and buildings apart from the proposal would remain lawfully for agricultural use. As such, this use could be re-started, potentially using large, heavy machinery during anti-social hours. Absent the UU, there would be little to prevent the new dwelling being occupied independently of the rest of the farmyard.
10. The dwelling has been designed so that many of its living and bedroom windows would be on the side and rear elevations. Nevertheless, some of these would face the side concrete yard. Windows serving other rooms would face in the direction of the Dutch barn and its main entrance, and the frontage manoeuvring area. The

¹ Paragraph: 109 Reference ID: 13-109-20150305

Dutch barn has another entrance, but this appears to be more constrained, limiting its use. Even if its main entrance could be stopped up, the yard areas would remain close to the dwelling. Insulation would not avoid all noise effects, for example when windows are open.

11. Some degree of noise and disturbance from rural uses is anticipated in countryside locations. There are existing dwellings relatively near to the appeal site, such as the farmhouse at Forest Farm and Forest Farm Cottage. However, these are not as close as the proposed dwelling would be to the Dutch barn and its main entrance or the yards. For the reasons given above, without the UU, I am concerned that occupiers of the proposed dwelling could have a poor living environment in respect of noise and disturbance.
12. Examples² have been provided of applications and appeals in other locations close to proposed residential conversions, where conditions restricting adjacent agricultural uses were found not to be necessary. In other examples³, planning conditions restricting the use of agricultural buildings were found to be necessary but sufficient to avoid adverse effects. The Inspector at Somerton⁴ found a wide degree of scope for utilising planning conditions to control potential impacts.
13. I have considered the information provided in respect of these cases. Full details such as floorplans, or the location of openings and access points, have not all been provided. In some cases, the relationship between buildings and layouts differs from those here. Consistency in decision-making is important but must be set against the need to properly apply the requirements of the legislation. In this case, a condition limiting the use of the Dutch barn to storage for example would not prevent large vehicles manoeuvring into and out of the site, close to the proposed dwelling. Nor would it prevent the use of the adjacent yard areas for potentially noisy agricultural purposes.
14. The UU would ensure that the occupiers of the proposal would have control over their own environment, and of the use of the Dutch barn and wider site. The Council is satisfied that the measures contained within the UU would overcome its reason for refusal and I see little reason to disagree.
15. For the reasons given above, I consider that the UU is necessary to ensure adequate living conditions for future occupiers of the dwelling in respect of noise and disturbance. Consequently, the location or siting of the building would not be impractical or undesirable for a change of use to a dwellinghouse. As such, with the UU, it would comply with GPDO paragraph Q2(1)(e).

Conditions

16. The Council's ecologist has suggested conditions relating to the possibility of breeding birds returning to the site, and for measures to enhance biodiversity. These are necessary to ensure that the change of use would be not undesirable in respect of ecology, and so I have imposed these conditions.
17. The Council has suggested conditions regarding the commencement of development and drawing numbers. However, the GPDO requires that proposals

² APP/D0121/W/25/3365392, APP/D0121/W/24/3356986, APP/Y3940/W/25/3369735, 25/00557/PAMB

³ 25/00613/NPA, 25/00716/NPA, 22/00320/FUL, 25/01777/PAMB, APP/R3325/W/19/3242490, APP/E3335/W/25/3374472, 25/01284/PAMB.

⁴ APP/R3325/W/19/3242490

approved under its remit must be completed within three years of the prior approval date, and in accordance with the approved details. Accordingly, conditions in respect of these matters are not required.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

O Marigold

INSPECTOR