



Appeal Decision

Site visit made on 30 March 2026

by **C Cooper-Young MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st May 2026

Appeal Ref: APP/E3335/W/25/3376677

Cornmoor Farm, Cornmoor Lane, East Huntspill, Highbridge, Somerset TA9 3NZ

- 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 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 W Puddy against the decision of Somerset Council.
 - The application reference is 25/25/00006.
 - The development proposed is change of use of agricultural building to 1 No. dwellinghouses (Class C3), and associated building operations.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Mr and Mrs W Puddy against Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development set out above has been taken from the description in the application form, save for omitting the words 'prior approval for the,' as these do not refer to an act of development.
4. The correct title and name of the appellants was confirmed by email to the Planning Inspectorate on 9 January 2026. I have therefore used these in my decision.

Main Issue

5. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q, having particular regard to Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) and the conditional planning approval reference 25/22/00022.

Reasons

6. Under Article 3(1), and Schedule 2, Part 3, Class Q of the Order, development is permitted for a change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order¹ (UCO) and any building operations reasonably necessary to convert the building.

¹ SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

7. Article 3(4) of the Order states that nothing in the Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Town and Country Planning Act 1990 otherwise than by the Order.

8. The appeal building was granted planning permission in November 2022, subject to the following condition:

'The building hereby permitted shall be used for agricultural storage only and not the housing of livestock.'

The reason given for the condition was:

'In the interests of the amenity of nearby residential properties in accordance with Policy D25 of the Sedgemoor Local Plan.'

9. It is clear from the relevant case law judgements referred to in the appeal submissions, that existing conditions which potentially invoke Article 3(4) should be assessed on their specific wording. In order to invoke Article 3(4) a condition must go beyond specifying the development for which permission is being granted and contain something more which explicitly or implicitly restricts development.
10. In my view, the appeal before me is unlike the case considered in *Dunnett*² where the subject condition contained the wording *'and for no other purpose whatsoever'*. Whilst the case of *Lazari*³ draws some comparison in that the High Court found that the restricting condition, although not expressly excluding the operation of the UCO, did exclude its application.
11. The appellants reference the case of *XPL Ltd*⁴, which concerned a breach of condition notice requiring certain commercial activities to cease outside of the hours of operation stipulated within a specific planning condition. The only similarity to the case before me is the reason for that condition, which was to ensure that any industrial operations associated with the use did not prejudice the amenity of neighbouring residents.
12. The appellants Statement of Case at appendix 2, references paragraph [34] of the *Trump*⁵ judgement. This paragraph highlights that in the context of conditions imposed on a grant of planning permission, the basic question to be asked by the court in construing conditions in a planning permission as set out by Lord Hodge, was that:

"...it asks itself what a reasonable reader would understand the words to mean when reading the condition in the context of the other conditions and of the consent as a whole. This is an objective exercise in which the court will have regard to the natural and ordinary meaning of the relevant words, the overall purpose of the consent, any other conditions which cast light on the purpose of the relevant words, and common sense..."

13. The question, applying the Trump principle, is therefore whether a reasonable reader of the permission, reading the condition in its full context, would understand

² *Dunnett Investments Ltd v SSCLG & East Dorset DC* [2017] EWCA Civ 192.

³ *Lazari Properties 2 Limited v Secretary of State for Levelling Up, Housing and Communities v. The London Borough of Camden* [2023] EWHC 2026 (Admin).

⁴ *R (on the application of XPL Ltd) v Harlow Council* [2016] EWCA Civ 378, [2016] All ER (D) 124 (Apr).

⁵ *Trump International* [2015] UKSC 74.

it to limit the use of the building only, or to exclude future reliance on permitted development rights more generally.

14. The appellant is correct in that that the condition does not include restrictive wording such as “and for no other purposes whatsoever” or “without express planning consent”, as discussed in Dunnett. However, I do not find the absence of such phrases to be determinative. The proper approach is to consider the condition as a whole, having regard to its wording, context, and purpose. When read in this way, the intention of the condition is clear and unambiguous.
15. The appellant’s submission that the reason for the condition being focused solely at the accommodation of livestock is unduly narrow. On a plain reading, the condition is directed more broadly to restricting the use of the building in order to safeguard the amenity of nearby residential occupiers. Accordingly, I attach little weight to the appellant’s reliance on the absence of more explicit restrictive wording. Such omission does not diminish the substance or effect of the condition, which, properly construed, clearly limits the use of the building in the manner described.
16. Accordingly, I find the Council’s decision to be consistent with established case law⁶ which held that a condition which restricts a use to “only” (that activity), effectively evinces an intention to identify acceptable uses whilst prohibiting other unacceptable uses, unless and until, the merits of such proposed use had been tested by the planning authority upon an application for planning permission.
17. Whilst the condition does not expressly disapply permitted development rights it is implied in the terms of the use of the building for agricultural storage only. In any event, as outlined at Article 3(4) of the Order, permitted development rights cannot be exercised where doing so would be contrary to a condition attached to an existing planning permission.
18. I therefore conclude that the operation of the Order is restricted by the existing planning condition attached to the 2022 permission.

Conclusion

19. For the reasons given above the appeal should be dismissed.

C Cooper-Young

INSPECTOR

⁶ R (Royal London Mutual Insurance Society) v Secretary of State for Communities and Local Government [2013] EWHC 3597 (Admin); [2014] JPL 458.