
Appeal Decision

Site visit made on 2 September 2015

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2015

Appeal Ref: APP/Y1138/W/15/3013893

**Barn adjoining Lower Bagborough Cottages, Sandford Ash Farm,
Newbuildings, Crediton, Devon, EX17 5NZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Austin Cleverdon & Son against the decision of Mid Devon District Council.
 - The application Ref 15/00073/PNCOU, dated 14 January 2015, was refused by notice dated 13 March 2015.
 - The development proposed is conversion of existing building to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the planning application was determined by the Council, the Town & Country Planning (General Permitted Development) Order 2015 (the GPDO) has been published. The proposal now falls under Schedule 2, Part 3, Class Q of the GPDO and the banner above has been amended to reflect this change. The GPDO has not altered in anyway the permitted development rights in terms of the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order or any associated conditions. Consequently, it has not been necessary to gain the views of each party on this matter.

Main Issue

3. The main issue of the appeal is whether or not the proposal constitutes permitted development.

Reasons

4. Class Q of the GPDO allows a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order (Class Q (a)); and building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule (Class Q (b)).

5. Class Q.2 (1) sets out that where the development proposed is development under Class Q (a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to (amongst others) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
6. The appeal site accommodates a steel portal framed barn, which is partially clad in profile sheeting. At approximately 14 metres by 14 metres and at an eaves height of just under 5 metres, I observed that the barn is of a significant scale. It was evident that the barn has an agricultural and utilitarian appearance. The barn also retains some of the original cob walls of an earlier barn, although this does not have any designation. The barn is located adjacent to Lower Bagborough Cottages which are Grade II listed. The barn and the listed cottages are in very close proximity being separated by a small area of hardstanding and therefore I consider that the barn forms part of the setting of the listed cottages. The listing of the cottages confirms that the building was originally a Farmhouse that was altered to form three cottages.
7. The proposal would result in the domestication of the barn, along with the associated curtilage and paraphernalia. Given the rural context of the appeal site, the barn currently sits comfortably next to the listed cottages and despite the size of the barn, it has a relatively open appearance and therefore does not compete with the adjacent cottages. I acknowledge that additional cladding could be added to the building without permission, which would reduce its open nature, however, it would still retain its agricultural and utilitarian appearance.
8. The addition of fenestration, domestic building materials, such as render and timber boarding and the more substantial construction of the barn walls, would dramatically increase the barn's presence on the appeal site. Along with its significant scale, which is greater in size than the 3 cottages, I consider that the converted barn would be unacceptably dominant and significantly detract from the setting of the listed cottages, which would harm their significance. Further, the associated curtilage and paraphernalia, whilst being largely to the rear of the barn and separated to some degree by the existing stone wall, would still domesticate the area, causing further harm. Consequently, I cannot accept the appellant's view that the proposal would enhance the appearance of the area or the setting of the listed cottages. I consider that the proposal would not preserve the setting of the listed cottages¹ and would subsequently cause harm to their significance. This would also run contrary to Paragraphs 132 and 137 of the National Planning Policy Framework (The Framework), which have been referred to by the appellant.
9. The appellant has set out that the area of hardstanding between the barn and the cottages is uncontrolled and could be used for the storage of machinery or other materials. In addition, the appellant maintains that an uncontrolled agricultural/commercial activity would be removed should the appeal succeed and the site would have a tidier appearance. Whilst this may be the case, the existing use would retain the agricultural appearance of the appeal site, which

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

sits comfortably within its rural context and next to the listed cottages. Consequently, I am not persuaded that the retention of the existing use would cause a greater, or even the same, degree of harm than that which would result from the proposal.

10. The appellant has referred to Paragraph 55 of the Framework, which relates to dwellings in the countryside. However, I am mindful that this is a prior approval and not a planning application. Subsequently, Paragraph 55 of the Framework has little relevance to whether the proposal constitutes permitted development under Class Q of the GDPO. In any event, Paragraph 55 of the Framework sets out that new isolated homes in the countryside should be avoided unless there are special circumstances, none of which apply to the proposal, particularly as the barn is not redundant or disused.
11. In conclusion, I consider that the proposal would not preserve the setting of the adjacent listed cottages and therefore the location of the building makes it undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Consequently, I consider that the proposal is contrary to Class Q.2 (1) (e) of the GDPO and is not permitted development.

Conclusion

12. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR