

Appeal Decision

Site visit made on 28 November 2016

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 8th December 2016

Appeal Ref: APP/P1133/W/16/3156167

Land at Ingsdon, Newton Abbot, Devon TQ12 6NW

- 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, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Colin Parker against the decision of Teignbridge District Council.
 - The application Ref16/00654/NPA, dated 2 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is the change of use of an agricultural building to a residential dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph Q.2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to a residential dwelling on land at Ingsdon, Newton Abbot, Devon TQ12 6NW in accordance with the terms of the application Ref 16/00654/NPA, dated 2 March 2016 and the plans submitted with it, subject to the standard conditions set out in the Order.

Main Issues

2. The main issues are:
 - i) whether the proposal is permitted by the Order, and
 - ii) 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 as a dwellinghouse.

Reasons

Whether the proposal is permitted by the Order

3. The site would be accessed from an existing track which leads from the public highway to the barn. The red line of the application site includes the building and a small area around it, smaller than the size of the building. The curtilage thus complies with the definition of curtilage set out in Part X of the Order. There is nothing in the Order which requires the access to the site to be included within the application site, and to do so would create a curtilage which would exceed the size permitted under Class X. The access track also provides
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access to two field gates, one some 70m short of the barn, and the other almost opposite its eastern elevation, and therefore the track would serve a dual purpose.

4. Moreover, even if there had not been an existing access, specific planning permission would not be required to create one, as Schedule 2, Part 2, Class B of the Order allows "the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)." I therefore find that the development is one which is permitted by the Order.

Practicality and desirability

5. The access to the barn is a single-track lane surfaced mainly in concrete for most of its length, and has a gravelled surface for the last 70m. Whilst the track is uneven, and appears to have been recently improved in places with tarmac, I found on my visit that it was not difficult to negotiate in an ordinary car, and whilst the drive was bumpy, there was no grounding. The steepest section, just to the north of the barn, was similarly straightforward to drive along. Thus, in its existing state, I consider that the access to serve the proposed dwelling would be satisfactory for its purpose.
6. The condition of the track would no doubt deteriorate with age and use, but bearing in mind that repairs and improvements to private ways can be carried out as permitted development under Class E of Part 9 of the Order, I am satisfied that the access would be satisfactory and would not make the location of the barn impractical or undesirable for the change of use to proceed.

Conditions

7. The Council has not suggested any conditions, and other than those set out in the Order, I consider none is necessary.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR