



Appeal Decision

Site visit made on 11 July 2017

by David Walker MA MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/U1105/W/17/3169881

Agricultural building east of M5, Moor Lane, Poltimore, Exeter, Devon EX4 0AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order).
 - The appeal is made by Mrs Wendy Spiller against the decision of East Devon District Council.
 - The application Ref 16/2458/PDQ, dated 3 September 2016, was refused by notice dated 9 December 2016.
 - The development proposed is the conversion of agricultural building to 3 No dwellings and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application for prior approval was made in letter form. In the interests of consistency I have used the address and description of the development provided by the Council in its decision notice.

Main Issues

3. The main issues in the appeal are whether the structure would be suitable for conversion for use as dwellings, and whether the proposal would have a satisfactory effect on the habitats of the East Devon Pebblebed Heaths and Exe Estuary Special Protection Areas (SPAs).

Reasons

4. For the proposal to amount to a permitted development it must accord with the limitations and conditions set down at paragraphs Q, Q.1 and Q.2 of the Order. Therefore, any building operations must be reasonably necessary to convert the building and are limited to the installation of windows, doors, roofs or exterior walls, or the provision of services.
5. There is no dispute that the appeal structure amounts only to a fire damaged steel frame. From my inspection it was apparent that some of the structural columns are twisted and out of true, although no cracking or obvious structural failures were evident. This is confirmed in the engineer's report that accompanied the application.

6. With no existing roof or walls the works in forming the conversion to three dwellings conversion would require the wholesale rehabilitation of the structure to form a building suitable for residential use. Given the extent of the fire damage, which includes purlins in poor condition, there has to be some doubt as to the structure's potential to accommodate a roof covering for domestic purposes.
7. The Planning Practice Guidance explains that it is not the intention of the permitted development right to include the provision of new structural elements for the building. The existing building should therefore be structurally strong enough to take the loading which comes with any external works to provide for the residential use.
8. Only the potential for a lightweight roof suitable for agricultural purposes has been identified by the engineer. It has not been demonstrated that the more extensive works to accommodate insulation and any increase in loading to form a suitable domestic conversion can be achieved within the limitations of the Order.
9. Moreover, any increase in the height of the roof or in the formation of eaves, as shown on the plans, would extend beyond the external dimensions of the existing building. This alone conflicts with the size limitations of paragraph Q.1.(g) of the Order and prevents the proposal from benefitting from the permitted development right.
10. Were the proposal to be a permitted development it would be necessary to ensure that satisfactory mitigation was in place to prevent any harmful effects, either alone or in combination with other developments, on the East Devon Pebblebed Heaths and the Exe Estuary SPAs, both within 10 km of the appeal site. However, as the appeal does not succeed in relation to the limitations of Class Q I have not pursued this matter further.
11. I conclude that as the structure would not be suitable for conversion for use as dwellings the proposal cannot amount to being a permitted development under the Order.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR