
Appeal Decision

Site visit made on 7 August 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/P1133/W/19/3226912

Office at Milestone Cattery, Milestone Farm, Chudleigh, Devon TQ13 0DP

- 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 O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).
 - The appeal is made by Mr M Smith against the decision of Teignbridge District Council.
 - The application Ref 19/00102/NPA, dated 17 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is change of use of office (B1a) to residential (C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed change of use constitutes permitted development under the provisions of the GPDO as set out in the banner heading above.

Reasons

3. Class O of the GPDO applies to buildings in a use falling within Class B1(a) (offices) of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended). Class B1(a) is referred to as 'an office other than a use within class A2 (financial and professional services)'.
4. The cattery business that operates from the site is a 'sui-generis' use, and the appeal building is a component of that use. It serves as an administrative base for the cattery business. It is physically related to other buildings at the site used for the cattery business and does not benefit from a separate curtilage or independent access. Furthermore, at my visit to the site I saw that part of the building was not used for administration but was in use as a store for cat food and other items.
5. As such the appeal building is not an independent planning unit in a B1(a) use. The change of use proposed would not therefore constitute permitted development, with regard to part O.1 (b) of Schedule 2, Part 3, Class O of the GPDO.

Other Matter

6. The appeal site is within 10km of the Exe Estuary Special Protection Area and the Exe Estuary Ramsar Site. The addition of a residential unit within this area would be likely to have a significant effect on the internationally important

interests and features of these areas, in combination with other plans and projects. To mitigate against this the appellant has made a financial contribution towards the South-East Devon European Sites Mitigation Strategy. However, as I am dismissing the appeal the likely significant effect will not occur and this matter does not therefore need to be considered further.

Conclusion

7. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR