



Appeal Decision

Site visit made on 20 August 2019

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 9th September 2019

Appeal Ref: APP/Y1138/W/18/3216770

Helions Barton, Upton Helions, Crediton, Devon EX17 4AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Daniel Caryer against the decision of Mid Devon District Council.
 - The application Ref 18/01339/PNCOU, dated 24 August 2018, was refused by notice dated 23 October 2018.
 - The development proposed is described as a prior notification for the change of use of agricultural building to a dwelling under Class Q.
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Decision

1. The appeal is allowed and approval is granted under the provisions of The Town and Country Planning (General Permitted Development) Order 2015, Article 3(1) and Schedule 2, Part 3, Class Q.2 for the change of use of an agricultural building to a dwelling at land at Helions Barton, Upton Helions, Crediton, Devon EX17 4AE in accordance with the terms of the application Ref 18/01339/PNCOU, dated 24 August 2018, and the plans submitted with it.

Procedural Matters

2. The appellant describes the proposal as simply a change of use. However, it is clear that it is being made under both elements of Class Q:
 - (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
 - (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Main Issue

3. The main issue is whether the proposal is permitted development.

Reasons

4. The appeal building is an agricultural barn measuring approximately 10m by 22m with a 5.5m high dual pitched roof currently used predominantly for hay and farm machinery storage. It is sited about 30m west of the original farmhouse, an imposing and impressive two-storey (plus attic) Elizabethan building built circa 1566, which is listed Grade II* (the LB).

5. Under Q.2 developers must apply to the relevant planning authority as to whether the prior approval of the authority will be required for a range of factors in (1) (a) to (f) including (e) *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 Council argues that the proposed change of use of the agricultural barn and the associated works to convert it into a dwelling would not comply with (e) because it would fail to preserve the setting and by implication the overall significance of the listed farmhouse, Helions Barton.
7. The barn is located on lower ground than the LB and is partly screened from it by another taller agricultural barn. Nonetheless, it is located within the overall group of farm buildings and is visible as such from the access road to the farm and clearly lies within the setting of the LB.
8. Planning policy in the National Planning Policy Framework (NPPF) is relevant to the extent that the factors in Q.2 (1) (a) to (f) are relevant. If the location or siting of the barn would mean that its conversion to residential use would harm the setting and thereby the significance of the LB, there would need to be public benefits (substantial or otherwise) to justify any such harm, as per NPPF Chapter 16.
9. The building comprises a concrete frame with concrete block walls with a corrugated profile fibreboard sheet roof and metal trusses. It has openings at either end and is partly open fronted to the south west facing away from the LB. These existing openings are proposed to be in-filled with glazing within aluminium frames. The only changes to the north east elevation facing the LB would be the insertion of windows for a bedroom and bathroom and an entrance door with glazed lobby as well as five small rooflights. There would be a full height glazed window to the south east elevation within the existing opening. The existing concrete block walls would be lime rendered.
10. These elevational alterations would change the appearance of the building to some extent and the proposed curtilage around the building (as shown on the submitted plans) would allow for a small outside garden and/or parking area. But these changes would be minor and inconsequential. As stated above, the barn is partly screened by the other adjacent barn from the LB and it lies at a lower level to the farmhouse. It is also partly screened from wider views from the south and west by trees and by the topography from the east.
11. For these reasons the proposals would not harm the setting of the LB and would not compromise its significance. The Council does not challenge the application on any other grounds, and I can see no reason to do so. Consequently, the proposed conversion of the barn to a larger dwelling including the associated works constitute permitted development. Q.2 (3) states that development under Class Q is permitted subject to the condition that development under Q (a) and (b) must be completed within a period of 3 years starting with the prior approval date, which is the date of this decision. For the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR