

Appeal Decision

Site visit made on 9 December 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/Y1138/W/19/3236350

Meadow Barn, Broadgate Farm, Morchard Bishop EX17 6FL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr & Mrs L Friend against the decision of Mid Devon District Council.
 - The application Ref 19/00121/PNCOU, dated 22 January 2019, was refused by notice dated 25 April 2019.
 - The development proposed is the conversion of the existing building and land within its curtilage to form a single dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of the existing building and land within its curtilage to form a single dwelling at land at Meadow Barn, Broadgate Farm, Morchard Bishop EX17 6FL in accordance with the terms of the application Ref 19/00121/PNCOU, dated 22 January 2019, and the plans submitted with it.

Procedural Matter

2. The description in the banner heading is taken from the application form, and refers to the conversion of the building. The council's description of the development refers only to the change of use of the building. Section E of the appeal form, however, refers to the change of use of the building and associated operational development. It is clear from the evidence before me that the application 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) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Background and Main Issue

3. Paragraph Q1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) sets out the

circumstances in which development is not permitted by Class Q. The council considered that the proposal would be permitted development against the criteria in Q.1, and I have no reason to disagree with that conclusion.

4. Paragraph Q.2 requires developers to apply to the local planning authority as to whether prior approval is 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.
5. Although not clearly stated in this way on the decision notice, the council has effectively determined that prior approval under (e) was necessary, and that it was refused, because the development would harm the setting of the adjacent listed building.
6. Therefore, the main issue in this appeal is whether the location or siting of Meadow Barn makes it otherwise impractical or undesirable for the building to change from agricultural use, to a use falling within Class C3 (dwellinghouses), due to the impact of the development on the setting of the adjacent listed building, Paradise Farm.

Reasons

7. The appeal building is a steel-framed agricultural structure with a corrugated fibre cement sheet roof-covering. It is partly enclosed by blockwork walls and profiled metal cladding. Access is gained via an agricultural track served by a field gate off the road to the south. The building is set back from the road, behind some outbuildings that lie within the curtilage of Paradise Farm. The dwelling known as Paradise Farm, which lies immediately adjacent to the road, is a short distance to the northwest.
8. Paradise Farm is a grade II listed building dating from the mid-17th century, or earlier. Historic England's list description indicates that it was originally a farmhouse, which was subject to a major refurbishment around the turn of the 18th century and was extended to the rear in the 20th century. It is part stone and part rendered externally with a thatched hipped roof and brick chimney stacks. Its primary elevation faces south, and it has a symmetrical arrangement of casement windows with a central, thatched porch. The list description identifies that it has internal features of historic significance. The special interest of the listed building therefore lies in its age, its surviving fabric and its rural setting.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
10. The appeal building lies in close proximity to Paradise Farm and its curtilage buildings. However, I saw that, from most near viewpoints, the building and the farmhouse do not have a close visual association. They are visible together in views from footpaths and roads to the east, but only over a considerable distance. The appeal building and Paradise Farm can also be seen together when approaching the site from the road to the south. However, from this view the appeal building is set back from the road and is largely screened by trees

and hedges. By contrast, the farmhouse is prominently sited right up against the road, with little intervening screening. It is therefore the dominant built feature in the street scene.

11. From the road immediately in front of Paradise Farm, the apex of the roof of the appeal building can be seen behind the curtilage buildings. However, as the building is much further back from the road than the farmhouse, and largely concealed by the outbuildings, it is not a prominent feature. Although the council argues that removal of the building would be an enhancement, I saw that it does not make a significant contribution, either positive or negative, to the setting of the listed building.
12. The proposed conversion of the building to a dwelling would not involve any increase to its size, and it would not result in a change to the external roof materials, or to the cladding on the west elevation. Therefore, when viewed from the road immediately in front of Paradise Farm, there would be no discernible impact on the setting of the listed building.
13. Viewed from the approach road to the south, the proposed ground floor windows would be largely screened by the boundary hedge. Apart from some small rooflights, therefore, the external appearance of the building would remain largely unaffected from this viewpoint. The windows in the east elevation would be more open to view, but only from some distance. The overall bulk and form of the building would be unchanged, and the scheme of conversion, and external materials proposed, would result in the building retaining an agricultural character. The building operations would not, therefore, result in any harm to the rural setting of the listed building, or affect its historic status as an isolated farmhouse.
14. The change of use of the building to a dwelling would also include land within its curtilage. The red line defining this area is drawn tightly to the south side of the building. On the northern side, it encompasses another existing building, which would be retained for storage purposes. As a result, only a small strip of land in front of the eastern side of the building would be available as useable domestic curtilage. This area would not be visible from the road in front of the listed building, or on approaching the site from the road to the south. Any change in the character of this very small piece of land would not therefore have any impact on the setting of the listed building from these viewpoints.
15. The limited extent of the curtilage would restrict the scale of any domestic paraphernalia that it could accommodate. Consequently, it is unlikely that the change of use of the land would result in any discernible impact on the setting of the listed building in distant views from the east.
16. For the reasons given above, I conclude that the change of use and conversion of the building, and land within its curtilage, to form a single dwelling would not harm the setting of the listed building. Therefore, the proposal would not be impractical or undesirable in this regard.

Other Matters

17. The council's decision notice refers to concerns regarding the proposed access arrangements. However, in its appeal statement, the council says that, having allowed the appellant the opportunity to provide additional information, the main concern related to the impact on the setting of the listed building. No

evidence is provided in relation to the access concerns. There is an existing agricultural track leading from the field gate to the building. Although it was muddy at the time of my visit, there is a firm sub-base and it had clearly been in recent use by farm machinery. The track is on level ground, so it could be improved without any significant engineering works, and without any harm to the setting of the listed building. The extent of the improvements that could be carried out without an application for planning permission would be a matter between the parties, but the location of the building, the existence of an agricultural track, and the topography, mean that it would not be undesirable or impractical to provide a suitable access for domestic traffic.

18. I have considered representations that question whether the building is capable of conversion without significant works of rebuilding. However, the application was accompanied by a Structural Assessment that demonstrated that the building can be converted without any external structural works.
19. Other issues raised in representations relating to the redundancy of the building, overlooking, impact on community infrastructure, availability of housing nearby, and development in the countryside are not matters that fall to be considered under a Prior Approval application under Paragraph Q.2.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted. Paragraph Q.2.(3) of the GPDO requires that the development must be completed within a period of 3 years from the date of this decision. Paragraph W.(12)(a) of the GPDO requires that the development is carried out in accordance with the details provided in the application.

Nick Davies

INSPECTOR