



Appeal Decision

Site visit made on 1 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2020

Appeal Ref: APP/Y1138/W/20/3244988

Barn at Lower Newton Farm, Lower Newton, Zeal Monochorum, Crediton, Devon EX17 6LH

- 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 Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
 - The appeal is made by Mr William Hosegood against the decision of Mid Devon District Council.
 - The application Ref 19/01402/PNCOU, dated 16 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is prior notification for the change of use of an agricultural building to 3 dwellings under Class Q.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 June 2020

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 change of use of an agricultural building to 3 dwellings under Class Q at Barn at Lower Newton Farm, Lower Newton, Zeal Monochorum, Crediton, Devon, EX17 6LH, in accordance with the terms of the application Ref 19/01402/PNCOU, dated 16 August 2019, and the plans and documents submitted with it, subject to the following condition:
 1. The use shall not commence until the adjacent agricultural building has been removed as shown on plan Refs HSG2/Q.04 A, HSG2/Q.01 A and HSG2/Q.05 A.

Preliminary Matter

2. The application form did not include a description of development, referring instead to the accompanying plans and statement. I have taken the description of development from the appellant's appeal form which is similar to that on the Council's decision notice.
3. During the course of consideration of the appeal application, plans were provided showing a building within the blue line area to be demolished (plan Refs HSG2/Q.01 A, HSG2/Q.04 A and HSG2/Q.05 A). I shall determine the appeal on the basis of these amended plans.

Background and Main Issue

4. 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.
5. 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). It also includes (f) which refers to the design and external appearance of the building.
6. The Council has effectively determined that prior approval under (e) was necessary, and that owing to the impracticality and undesirability of the building's location it would harm the setting of nearby listed buildings. Prior approval was therefore refused on this basis.
7. Where prior approval matters include siting or location, design and external appearance, as they do in this case, the impact of a development on the settings of listed buildings can be taken into account.
8. Therefore, the main issues, in the context of the potential effects on nearby heritage assets, Newton House and East Newton, are whether the location or siting of the building would make it otherwise impractical or undesirable to change the building's use and the effects of its design and external appearance.

Reasons

9. The farmyard contains two, closely sited, large steel frame farm buildings. The northernmost building would be demolished as part of the proposal. This building is an open-sided livestock building, constructed from corrugated metal sheeting and has an outworn appearance.
10. The building to be converted is a large, wide span building split into sections with steel frame construction and corrugated roof sheeting. It has some blockwork to the lower sections with patchy corrugated metal cladding upper. This building is in better condition than the building to be demolished.
11. The proposal would convert the southern building to three dwellings. The external changes include the insertion of domestic windows and doors, and replacing the corrugated cladding with new. Part of the roof over the building would be removed, leaving an open-sided, covered parking area on the northern side of the dwellings.
12. The individually listed heritage assets close to the appeal site are East Newton and Newton House, both of which are Grade II listed.
13. East Newton is a C17 house which was formerly two cottages, constructed of plastered cob walls and with a thatched roof. The listing description refers to the 'front' elevation as the south-east facing elevation with a left-of-centre front door. The outlook afforded to viewers from this elevation is over a shallow valley where its garden meets the adjoining field and towards the appeal building, which forms a dominant utilitarian feature on the skyline. There is a

treed boundary between the garden and adjoining field. Though an evergreen tree forms part of this tree line, the extent of tree coverage varies depending on the time of the year. As such, the rural outlook from East Newton is at least moderately filtered by tree and leaf cover throughout the year.

14. The significance of East Newton lies in its age, its surviving historic fabric and its rural setting. Its position in the landscape, which is arguably more commanding than other nearby dwellings, and its outlook are factors which contribute positively to its significance.
15. Newton House is a former farmhouse with plastered cob walls and part-thatched roof. The list description for Newton House identifies it as having late C16 – early C17 origins but with much modernisation having taken place since C17 until as recently as 1960. It also faces south-east, although due to topography and the position of Newton Barn, the outlook is more restricted to its garden and towards the adjoining rural road. Owing to the sheer bulk and elevation of the agricultural buildings, they are clearly easy to notice from the area within which Newton House is experienced, and could be said to form part of its setting. However, the current views from Newton House and its garden are of parts of the building to be demolished.
16. The significance of Newton House also lies in its age, the surviving historic fabric and its importance as a rural farmhouse within a rural setting.
17. The submitted evidence discusses whether Newton Barn is either a curtilage listed or non-designated heritage asset (NDHA). It is an attractive dwelling converted from a former farm building that was previously within the same ownership and functionally linked with Newton House. It does not have a listing description and its conversion in the mid-2000s was not assessed on the basis of it being curtilage listed. The Council has more recently accepted that Newton Barn is not curtilage listed but still asserts that it is a NDHA.
18. Newton Barn lies adjacent to the appeal site. Its principal elevation is north-east facing towards the rural road, set back over a modest front garden. It has a secondary outlook south-east over its parking area, which is enclosed by a retaining wall, separating it from the appeal site and existing former dairy building (excluded from the current proposal). There is a constrained outlook from openings of Newton House to the appeal site, which lies at a higher level. Those views that can be obtained are of the former dairy (not part of the proposal) and towards the older livestock building which would be demolished.
19. Whilst views towards the appeal site from the front garden are attainable, the rear of Newton Barn has limited glazed openings and its rear garden has an outlook restricted by the extent and orientation of the building itself, the surrounding topography and by boundary features. Though it appears that a domestic use has recently spilled over into the adjoining field that has clearer views towards the appeal site, the status of this change is unclear.
20. Whilst the Council's extensive 'Register of Heritage Assets' (2015) includes a wealth of buildings and structures of heritage significance that do not have any formal designation, it does not include reference to Newton Barn. The Planning Practice Guidance indicates that all NDHAs should be clearly identified as such, though this does not preclude councils from identifying new ones as part of the

decision making process, for example, where archaeological investigations indicate that it is prudent to do so¹.

21. The works to convert the former barn have largely preserved its original form and siting and resulted in a characterful and attractive dwelling. From the evidence, its features are more domesticated and numerous than when it was a farm building. Nevertheless, I can accept that the Council may wish to include it as an NDHA. Despite this, I have considered the impacts of the proposal on Newton Barn. In my view, the proposal would have the effect of improving its setting through the reduction in mass of buildings, increased openness and enhanced appearance of the building to be converted. The proposal would therefore at least preserve, rather than harm, its significance.
22. In terms of the effects of the proposal on Newton House, due to the separation by buildings (the former dairy and Newton Barn), topography, boundary features and its orientation, the proposal would have a limited positive effect on its setting. Views towards the retained building would be of a less bulky, more distant structure with an enhanced appearance. Passers-by would experience the changes when viewing the buildings from the adjoining road, but the change from a collection of bulky, agricultural buildings and associated clutter, to a reduced mass of buildings with a neater, modestly more domestic appearance would not harm its significance.
23. In terms of the effects of the proposal on East Newton, there would be obvious changes to the view and appearance of the dominant appeal building. There are numerous aspects about the proposal that would be positive in this regard, including the extent of demolition and the introduction of newer, consistent finishes that would maintain a simple, agricultural character. The northern and western elevations would remain visible or would be exposed to East Newton through the proposed demolition. The number and style of domestic windows and doors to be inserted into these elevations would be modest, and visible through tree cover from some distance.
24. Under Class Q, the size of the permitted curtilages is deliberately limited. In this case, the curtilages would be constrained to a shallow buffer strip around the outside of the building. This would negate the ability for domestic paraphernalia to be introduced to the rear that could undermine the rural character of the area. Any introduction of larger curtilages, associated landscaping or other domestic structures would need to be by way of separate planning application. Consequently, it is unlikely that the change of use of the land would result in any discernible harmful impact on the setting of the heritage assets, and in particular East Newton which enjoys more direct views in this direction.
25. In terms of the agricultural setting of the collective buildings and the degree to which this would be affected by the loss of the agricultural function of the building, I do not consider that this would lead to a loss of significance. The buildings would still be capable of being interpreted as former farm dwellings and farm buildings within a rural landscape. A continuing modern farming enterprise is not strictly necessary to maintain the connection between the buildings and their landscape setting.

¹ Paragraph: 040 Reference ID: 18a-040-20190723

26. Therefore, the siting and location of the building would not make it otherwise impractical or undesirable to change use, and nor would the design or external appearance of the building operations harm the setting of either aforementioned heritage asset. Conversely, the proposal would result in enhancements to their settings and would thus preserve their significance.

Other matters

27. I have considered the appellant's request that the adjacent livestock building be retained for agricultural purposes, excluding livestock housing. For reasons relating to its scale and proximity to neighbouring buildings, including that to be converted, and the potential effects on neighbouring or future occupiers, I consider that it would be impractical and undesirable to retain it.
28. I have also considered representations from adjoining occupiers in relation to overlooking, wildlife impacts and effects on community infrastructure. These are not matters that fall to be considered under a Prior Approval application under Paragraph Q.2. The matters in relation to access, flooding and structural stability were found to be acceptable by the Council and there is no cogent evidence before me to indicate that I should reach an alternative view.

Conclusion and Conditions

29. 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 and undertaken in accordance with the submitted plans and details. As such, conditions are not required in this regard.
30. Whilst the Council did not suggest any further conditions, it is necessary to secure the removal of the adjacent agricultural building by condition in accordance with the submitted plans in order to provide adequate living conditions for the future and neighbouring occupiers.

Hollie Nicholls

INSPECTOR