



Appeal Decision

Site Visit made on 30 June 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/U1105/W/21/3270922

Bond Lane Farm, Bonds Lane, Woodbury Salterton, EX5 1QF

- 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 as amended (the GPDO).
 - The appeal is made by Mrs Sarah Taylor against the decision of East Devon District Council.
 - The application Ref 20/2424/PDQ, dated 2 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is Prior approval for proposed change of use of existing poultry buildings to 3no larger dwelling houses and 2no smaller dwelling houses (use class C3) and associated operational development under class Q(a) and (b).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Council's decision notice as it is more concise than that used on the application form.

Main Issue

3. The main issue is whether the proposed change of use constitutes permitted development under the provisions of Schedule 2, Part 3, Class Q of the GPDO, with regard to the extent of building operations proposed.

Reasons

4. The proposal relates to two long poultry buildings. A large part of both buildings would be demolished. The remaining part of the eastern building would be truncated to form two detached dwellings. The remaining part of the western building would be truncated to form three detached dwellings.
5. The GPDO states at paragraph Q.1. (i) that development under Class Q (b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls, to the extent reasonably necessary for the building to function as a dwelling. The permitted development right also includes partial demolition to the extent reasonably necessary to carry out such building operations. The planning practice guidance clarifies that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. It also states that it is not the intention of the permitted development right to allow

rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use¹.

6. The works required to convert the buildings into dwellings would be very significant. The amount of demolition is extensive and would require the construction of new south facing walls to units 3 and 4. Where the existing buildings would be truncated 6 further external walls would need to be constructed. I accept that it may be possible for the walls to be formed in a lightweight material built up off the existing concrete base without a foundation. However, all 8 new walls would be wide, spanning the broad gable width of the existing buildings which, in combination with the demolition of a large part of both buildings, would represent a significant amount of building work. The result would be five detached buildings, of rather odd proportions, that would bear no meaningful resemblance to the simple functional form of the existing poultry buildings.
7. With this in mind, I am not satisfied that the extensive works proposed demonstrate that the existing buildings are capable of functioning as dwellings without significant intervention, or that the works proposed are limited to those reasonably necessary for a residential conversion. The works would exceed what could reasonably be described as a conversion scheme and would instead be tantamount to the full redevelopment of the site.
8. Therefore, the proposed change of use would not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO, having regard to the associated guidance within the planning practice guidance, and therefore is not development permitted by it.

Conclusion

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

A Tucker

INSPECTOR

¹ Planning Practice Guidance Paragraph: 105 Reference ID: 13-105-20180615