



Appeal Decision

Site visit made on 6 December 2022

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2023

Appeal Ref: APP/W1145/W/22/3298786

The Laurels Inn, Petrockstowe, Okehampton, Devon, EX20 3HJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P and Mrs L Johnson against the decision of Torridge District Council.
 - The application Ref 1/1119/2021/OUT, dated 23 September 2021, was refused by notice dated 10 March 2022.
 - The development proposed is the conversion of 2 No former almshouses into 2 No units of holiday accommodation.
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Decision

1. The appeal is dismissed

Procedural Matters

Application for Costs

2. An application for costs was made by Mr and Mrs Johnson against Torridge District Council. This application is the subject of a separate Decision.

Pre-application Advice

3. The Appellants quote positive pre-application advice from the Council that there is opportunity to improve the appeal buildings and the setting of the neighbouring heritage assets and that the Inn car park could be used by occupants of the tourist units without impact on highway safety. Such advice is always given without prejudice to the outcome of any subsequent formal application and any appeal is determined on a fresh assessment of the evidence provided.

Validity of the Outline Application

4. The Council contends that the application should have been made in outline, given an outline application is legally defined¹ as being for the construction of a building, whereas the present proposal is for conversion, albeit necessarily involving substantial rebuilding work.

¹ The Town and Country Planning (Development Procedure Order)(England) 2015. SI 2015 No 595 Art 2(1): "outline planning permission" means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

5. The Council nevertheless formally validated the application and then proceeded to exercise its statutory right to request further information on the reserved matters. For clarity, that process does not have the effect that matters of detail are then no longer reserved. The Council then refused the application for reasons of potential planning effects without reference to the legal objection.
6. On careful consideration of the legal submissions included within the Council's appeal statement, I have concluded that Article 2(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 does make clear that outline planning permission means a planning permission for the erection of a building, as distinct from conversion of a building, and that it is not possible, therefore, under the provisions of that Order, to grant outline planning permission for the development proposed in this case.
7. On that basis this appeal cannot succeed and I have no jurisdiction to take any further action, other than formally to dismiss the appeal as made.

B J Sims

Inspector