



Appeal Decision

Site visit made on 13 June 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/P1133/W/23/3314965

Land west of Wolfsgrove Farm, Bishopsteignton, Teignmouth TQ14 9TN

- 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.
 - The appeal is made by Mr C Starr against the decision of Teignbridge District Council.
 - The application Ref 22/01735/NPA, dated 6 September 2022, was refused by notice dated 27 October 2022.
 - The development proposed is conversion and change of use of an agricultural building to a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.

Background and Main Issue

3. It is common ground that the appeal scheme meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a) and Q(b), namely a change of use from an agricultural building to a Class C3 dwellinghouse and building operations reasonably necessary to convert the building, prior approval is required in respect to a number of matters, including whether the location or siting of the building make it otherwise impractical or undesirable for the use of the building to change.
4. In light of the above, the main issue is whether the location or siting of the building within a Minerals Safeguarding Area make it impractical or undesirable to change to a dwellinghouse.

Reasons

5. The appeal site is part of the wider Woolfsgrove Farm. It comprises a single-storey metal clad building, with its own access off a large yard serving the wider farm and other farm buildings. It is located beyond the group of farm buildings adjacent to agricultural fields and an area of woodland. It is proposed to convert the building into a four-bedroomed dwelling with parking to its frontage.

6. The site is located within an area designated as a Minerals Safeguarding Area (MSA) identified for its underlying limestone resource under Policy M2 of the Devon Minerals Plan 2011-2031 (Adopted 2017).
7. In relation to the permitted development rights under Class Q, the National Planning Practice Guidance (PPG)¹ advises that a reasonable ordinary dictionary meaning should be applied to 'impractical' and 'undesirable' as they appear in the GPDO to reflect that it would "not be sensible or realistic" and be "harmful or objectionable".
8. I acknowledge the case of the appellant, stating that they believe the likelihood for extraction close to the appeal site is low given the size of the MSA, the decline in limestone extraction and as the MSA covers an Area of Great Landscape Value and Undeveloped Coast, and contains the Grade II Listed Wolfsgrove Farmhouse, wildlife, and woodland habitats plus Ancient and Semi-Natural Woodland. In addition, the appellant states that there is already other development within the farm including the appeal building, with the road network, land ownership and topography making large scale mineral extraction unlikely and unviable. I also recognise that there are no extant planning permissions or published plans in place for minerals extraction and that the appellant would resist any extraction in this location.
9. However, Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval as if the application were a planning application. Paragraph 210 (c) of the Framework, amongst other things, states that Mineral Safeguarding Areas should safeguard mineral resources, whilst not creating a presumption that the resources will be worked. Paragraph 212 of the Framework states that local planning authorities should not normally permit other development proposals in Minerals Safeguarding Areas if it might constrain potential future use for mineral working. I have had regard to the use of the word 'normally' within paragraph 212, but do not find the circumstances surrounding the MSA and its location to be so unusual such that this paragraph should be disregarded.
10. With regard to constraints to the potential for future mineral working within the MSA, there is limited information before me to demonstrate that the MSA is no longer required or economically viable. Whilst I note the constraints in the area put forward by the appellant, this does not adequately demonstrate that extraction is not possible or achievable close to the appeal site. Given that the mineral resource lies directly below and surrounds the appeal site, I cannot be sure that there are other available or preferable locations for any future extraction or that the immediate area would not be impacted. Moreover, the purpose of the MSA is to provide long-term protection to the resource to ensure that any diminishing reserves of limestone remain available in the future and to ensure that development does not prevent or sterilise its possible future extraction.
11. Therefore, by reason of the location of the site within the MSA, with the potential presence of a permanent dwelling undermining the safeguarding of mineral resources and its potential future extraction, the proposed change of use would be undesirable. Furthermore, should extraction proceed in the future within the MSA, there is no certainty that the future occupiers of the dwelling

¹ Paragraph: 109 Reference ID: 13-109-20150305

would not be subject to unacceptable level of noise and/or dust. This may make future extraction undesirable, and potentially impractical for both future occupiers and for the extraction of the mineral resource.

12. I have had regard to Policies EN2A and EN5 of the Teignbridge Local Plan 2013-2033 (May 2014), but they do not alter my findings above.

13. I therefore conclude that the location and siting of the building within a Minerals Safeguarding Area make it impractical and undesirable for the building to change to a dwellinghouse.

Other Matters

14. I note that the site falls within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation. However, as I am dismissing the appeal, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

15. The appeal site is located close to the listed Wolfsgrove Farmhouse. However, as I am dismissing the appeal, I do not need to consider the effect on the significance of this heritage asset further.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

C Rose

INSPECTOR