



Appeal Decision

Site visit made on 6 January 2025

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/Q1153/W/24/3347713

Higher Parswell Farm, Lumburn, Tavistock, Devon, PL19 8HR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order').
 - The appeal is made by Mr & Mrs Andrew Blatchford against the decision of West Devon Borough Council (the LPA).
 - The application reference is 1143/24/PDM.
 - The development proposed is described as the conversion of a redundant agricultural barn to a dwelling under Part Q of the Town and Country Planning Regulations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellants have submitted a unilateral undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). This includes the demolition of an adjacent barn and a financial contribution towards the costs of mitigating the recreational impacts of development upon the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA).
3. The LPA has informed me that the UU is necessary to address the concerns raised within its reasons for refusal numbered 2 and 3. Subject to proof of title, the LPA has also informed me that the UU is fairly and reasonably related in scale and kind to the development proposed and would be necessary to make it acceptable. I have framed the main issue having regard to the LPA's comments on this matter.
4. The appellant's agent has clarified that the elevations of the building are incorrectly labelled on the submitted plans. The south elevation is shown as north and the east elevation as the west.
5. I note that the appeal was submitted following an earlier application to convert the same building (ref. 3009/23/FUL). I understand that the previous application was withdrawn as the LPA had expressed concern that the extent of the area of land beside and around the building exceeded the land occupied by the building.

Main Issue

6. The main issue is whether the extent of the proposed works meet the requirements of Schedule 2, Part 3, Class Q, Q.1(j) of 'the Order'.

Reasons

7. The building which it is proposed to convert is a 1960s/70s four bay, steel portal frame agricultural building with a compacted earth floor. It is approximately 9 metres x 18 metres x 6.3 metres high. Three sides of the building are clad in profiled metal sheeting and the roof comprises fibre cement (or possibly asbestos) sheets¹. The building is open sided on the southern elevation, with an open apex on the northern side. Alongside, is a disused barn that is to be removed².
8. National Planning Practice Guidance (PPG)³ advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. This permits building operations which are reasonably necessary to convert the building and can include new windows, doors, roofs, exterior walls and drainage to the extent that they would be reasonably necessary for the building to function as a dwelling house.
9. However, the PPG clarifies 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 use. It is only where the existing building is already suitable for conversion to residential use that it would be considered to have the permitted development right. This reflects relevant case law⁴ which, in essence, held that the proposed works must not be so extensive as to comprise rebuilding. The overarching concept of Class Q is conversion.
10. The application was accompanied by a structural report that was prepared by a chartered engineer. Amongst other things, this found: a metal sheet had been dislodged from part of the gable; some slight damage to a flange on one of the steel columns; light corrosion at the basis of some of the columns and; a need to infill the south elevation. The overall conclusion was that whilst some strengthening of the purlins may be necessary, no substantial rebuilding would be required. This report can be given much weight in this appeal.
11. There is no equivalent structural report from the LPA. However, I note its concerns over the: need to infill the southern elevation and part of the northern elevation of the building; corrosion to some metal sheeting on the western elevation; lifting of some sheets from the frame of the building; deterioration in the roof sheeting and; light corrosion at the bases of some steel columns.
12. From the evidence before me, including what I saw during my visit, the steel frame of the building and its eastern flank appear to be structurally sound and capable of being incorporated as part of a scheme of conversion. The infilling of the southern end of the building and the northern apex would amount to significant new building works but would not take the scheme beyond the remit of a conversion.
13. However, there is considerable corrosion to much of the sheet cladding on the western elevation. Some sheets also appeared to me to have worked loose. Whilst it may be a relatively simple task to reaffix these, I consider it unlikely that the sheet cladding on this elevation of the building would be suitable for retention

¹ For the roof, the proposed plan and elevations drawing is annotated "Profiled metal as existing".

² This would be necessary to remove a potential source of nuisance to future occupiers of the proposed dwelling.

³ Paragraph ID: 13-105-20180615.

⁴ Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016] EWHC 2853 (Admin).

and/or survive the rigours of the building works or the expectations of potential purchasers/occupiers.

14. Even if all of the sheet cladding was to be retained and incorporated as part of the proposed dwelling, there are further doubts⁵ in my mind as to whether or not the existing roof would need to be replaced and/or strengthened. In this regard, whilst not a criticism of the author of the structural report, I note that the woodwork and inaccessible parts⁶ of the building were not inspected.
15. Although finely balanced, overall, the proposed infilling and doubts that I have expressed over the suitability of the sheet cladding on the western flank of the building and the roof indicate to me that the building works would be so extensive as to be tantamount to rebuilding. This takes the appeal scheme beyond the remit of a Class Q conversion.
16. My attention has been drawn to a 2021 appeal decision⁷ on a site near Launceston. Whilst noting the findings that Inspector, I have expressed doubts above over the condition of some of the sheet cladding on the side of the building, as well as the roof and found overall, that the works would be extensive. This is materially different to the case determined in 2021. Moreover, in allowing that appeal, the Inspector found that other appeal decisions that had been drawn to his attention were not entirely analogous to the case before him as the proposed works were more extensive. I have determined the case before me on its own merits. The 2021 appeal decision does not set a precedent that I must follow.
17. I conclude on the main issue that the extent of the proposed works would not meet the requirements of Schedule 2, Part 3, Class Q, Q.1(j) of 'the Order'.

Other Matters

18. The appeal site lies within the 12.3km Zone of Influence (Zol) where new residential development would be likely to have a recreational impact upon the Tamar European Marine Site in particular, the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA⁸.
19. I consider that the appeal scheme, in combination with other development proposals (plans/projects) within the Zol, could increase recreational pressures within the SAC and SPA and, without mitigation, would have a significant adverse effect upon nature conservation interests⁹ within these protected areas. This is recognised by the appellants wherein a financial contribution¹⁰ would be made as part of the completed UU to help fund the cost of necessary mitigation.
20. I appreciate the appellants' sense of frustration after receiving the LPA's decision notice that expressed concerns in respect of matters that had seemingly not been apparent from the earlier application. However, this is a matter that is beyond my

⁵ Not allayed by the discrepancy in the submitted plans regarding the roof material.

⁶ It is reasonable to assume that this includes the roof.

⁷ APP/D0840/W/20/3266177

⁸ I note that the Habitats Regulations Assessment of the LP concluded that the recreational impacts from new residential development, either alone or in combination with other plans or projects, would impact upon the integrity of the SAC and SPA. This is now widely accepted in determining planning applications and appeals.

⁹ These include salt meadows, estuaries, large shallow inlets and bays, mudflats, sandflats, reefs and sandbanks.

¹⁰ I understand that Natural England has agreed that mitigation from recreational disturbance caused by in combinations plans within the SAC and SPA can be met by contributions to a Strategic Management Plan.

remit. Whilst also noting the allegation of unreasonable behaviour by the LPA in respect of two of its reasons for refusal, there is no costs application before me¹¹.

Conclusion

21. Given my findings in respect of the main issue and having regard to all other matter raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

¹¹ This should not be taken as an invitation to make an application for a partial award of costs.