
Appeal Decision

Site visit made on 20 May 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Q1153/W/24/3348036

Land at Moorside Farm, Broadbury, Okehampton EX20 4LL

- 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 appeal is made by Sue Sturmey against the decision of West Devon Borough Council.
 - The application Ref is 0845/24/PDM.
 - The development proposed is change of use of agricultural building to create a single dwellinghouse including associated operational works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) was updated on 21 May 2024. Transitional arrangements allow for a prior approval application to be made before the 21st of May 2025. As a result, it is necessary to determine this appeal in accordance with the GPDO as it stood at the time the application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
3. Following the Council's notice of decision, the National Planning Policy Framework (the Framework) was revised on 12 December 2024. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that paragraph numbers have changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Background and Main Issue

4. The Planning Practice Guidance (PPG) states that permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is effectively a 2-stage process where it is necessary in the first instance to determine whether or not the proposal is permitted development.
5. Class Q of Part 3 of Schedule 2 to the GPDO states that development consisting of Q(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order; and Q(b) building operations reasonably

necessary to convert the building, is permitted development. Q.1 sets out some limitations including a maximum floorspace of 465 sqm for larger dwellinghouses.

6. Where development is proposed under Class Q(a) together with Class Q(b) and found to be permitted development, it is subject to the conditions under paragraph Q.2-(1). This requires that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required, amongst other things, as to the location or siting of the building. Schedule 2, Part 3, Section W of the GPDO outlines the prior approval process and provides that a local planning authority has regard to the Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
7. There is no dispute between the main parties that the floorspace would meet tolerances set out in Q.1 above and that the proposal would amount to permitted development subject to a number of conditions contained within Q.2-(1). In this respect, the Council does not raise concerns on matters relating to transport, noise, contamination risks, flooding, design, or natural light. I see no reason to disagree. It does however consider that the location of the building near one of the Two bowl barrows scheduled ancient monument (SAM) means the change of use to a dwellinghouse would be undesirable. 'Undesirable' is defined in the PPG as 'harmful' or 'objectionable'. As such, it is claimed there would be conflict with paragraph Q.2-(1)(e).
8. Accordingly, I consider the main issue to be whether the proposed development would preserve the setting of the SAM.

Reasons

9. Within a flat and open field adjoining the appeal site lies the aforementioned SAM. It is made up of two bowl barrows which are historically and evidentially significant as a pair of well-preserved prehistoric funerary monuments, dating from the Neolithic to Bronze age periods. Most barrows date from around 2400 to 1500BC either in groups or on their own. Often occupying prominent locations, they are a major historic element in the modern landscape and their considerable variation of form and longevity as a monument type provide important information on the diversity of beliefs and social organisations amongst early prehistoric communities.
10. The Framework recognises such heritage assets as being of the highest significance and attaches great weight to their conservation, which is set out in paragraph 212. Moreover, it says that local planning authorities should take account of the desirability of sustaining and enhancing their significance. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
11. The appeal site comprises a utilitarian agricultural barn in the countryside and forms part of a close-knit historic farmstead. This includes a prominent residential property with solar panels on its roof and a number of outbuildings. It is near a relatively loud and busy road where moving vehicles are noticeable. Currently, the host property can be seen from the SAM and this does little to complement its setting. Even so, there are some intervening trees, and the adjoining fields are largely undisturbed. These fields form a pleasant landscape with a strong sense of tranquillity, which make a positive contribution to the setting of the SAM.

12. In that context, while the removal of the appeal building or that behind it may better reveal the setting of the SAM, the building itself has a somewhat benign and typically functional presence. Consequently, it forms an unintrusive part of the agricultural landscape and SAM setting. Despite the ageing and limited quality of materials, its hit and miss timber boarding with muted tones throughout add to its recessive appearance. This setting is however highly sensitive to change given the building's position. Overall, while very close indeed to the SAM, the appeal building has a neutral impact on its setting.
13. The proposal would not alter the siting, bulk, or scale of the building. Additionally, the use of dark timber cladding, black window frames and a metal roof finish would tidy its appearance and go some way towards retaining an agricultural feel. There could also be some modest improvements made by the removal of the water tanks, polytunnel, and outbuildings. Moreover, it is acknowledged that neither the low-level SAM nor appeal building are particularly visible from public vantage points.
14. However, while the number of openings may be proportionate to the size of the dwelling and the design in itself would not be objectionable, the scheme would nevertheless include large gable end windows and combinations of wide openings serving its main living spaces. These would be overtly domestic in their appearance and eminently visible from and towards the SAM. I agree with the appellant that the annotated area of curtilage and most external domestic uses with associated garden paraphernalia would be centred away from the SAM, avoiding harm to it. In that respect, matters of archaeological sensitivity could be dealt with using an appropriately worded condition. Additionally, there are no permitted development rights for Class Q proposals, so any future alterations could be controlled by the requirement for express consent.
15. Be that as it may, a residential use would mean that future occupants would no doubt wish to open the aforementioned windows or simply enjoy required natural light and views towards the field with the SAM in the immediate foreground. Having paid regard to the submitted heritage statement, when compared with the current scenario, this heightened and persistent level of visible activity in such close proximity to the SAM would have a direct impact on it by altering its tranquil setting.
16. There would be some similarities in respect of vehicular movements, noise, and possible emanating light associated with a farming activity at the barn. However, it is more likely that such disturbances, particularly the propensity for occupants to light a property for periods of the day and evening, would be more acute with a residential use. For the reasons given, while there are residential uses nearby, this intensification of the use of the building would significantly and irrevocably erode the current levels of tranquillity experienced in the close setting of the SAM.
17. The development would cause less than substantial harm to the SAM's significance as a designated heritage asset due to the fact an existing building would be used. Paragraph 215 of the Framework explains that in such circumstances it is necessary to balance the harm against the public benefits of the proposed development.
18. The conversion would re-use a former cattle shed, providing an additional family sized home built to recognised space standards. It would provide a temporary

boost to the local economy during its construction and thereafter through consumer spending. These can all be considered public benefits. Against the benefits I must weigh the harm to heritage asset. The Framework states that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance. It is worth reiterating that any harm to the significance of a designated heritage asset should require clear and convincing justification, as set out in paragraph 213 of the Framework.

19. In the heritage balance, I have given a good deal of weight to the benefits of providing a family home through the conversion of an existing building as this is supported within Class Q. I have given some more limited weight to the economic benefits. However, the adverse impact on the SAM is a matter of considerable importance and weight. Overall, I consider that the harm to heritage asset outweighs the benefits.
20. Therefore, I conclude that the proposed development would not preserve the setting of the SAM. As such, it would not align with the expectations set out in chapter 16 of the Framework, with particular regard to paragraphs 212, 213, and 215.

Other Matters

21. The proposed inclusion of sparrow terraces and bat boxes are acknowledged. However, any such biodiversity enhancements would not outweigh the harm identified above.

Conclusion

22. For the reasons given above the appeal is dismissed.

J Hills

INSPECTOR