



Appeal Decision

Site visit made on 20 May 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/Q1153/W/24/3357440

Barn at Coldacott, Sampford Courtenay, Okehampton EX20 2SR

- 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 Mr Viliam Celuch against the decision of West Devon Borough Council.
 - The application Ref is 1988/24/PDM.
 - The development proposed is change of use of agricultural building/barn to 1 No dwellinghouse (Class C3) & associated development.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of agricultural building/barn to 1 No dwellinghouse (Class C3) & associated development at Barn at Coldacott, Sampford Courtenay, Okehampton, EX20 2SR, in accordance with the application 1988/24/PDM and the details submitted with it.

Preliminary Matters

2. The description of development has been adapted from the Council's decision notice as it more concisely describes the proposal for conversion of one agricultural building to one C3 dwellinghouse with associated works.

Background and Main Issue

3. Schedule 2, Part 3, Class Q (a) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a Class C3 use (dwellinghouse). This provision also includes, at (c) development referred to in Paragraph (a) together with any building operations reasonably necessary to convert the building.
4. This is subject to a number of situations where such development is not permitted, listed under paragraph Q1. It is common ground that the proposed development would meet most of the requirements of paragraph Q1, save for (j), the extent of building operations reasonably necessary to convert the building. I return to this below.
5. Development under Class Q of the Order is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority is required. Paragraph W.(2) details the information that should accompany the application.

6. Paragraph W of the Order sets out the procedure for prior approval under Part 3, Paragraph W.(11)(c) states that development must not begin before the expiry of 56 days following the date on which the application, under sub-paragraph (2), was received by the local planning authority, without the authority notifying as to whether prior approval is given or refused. The appellant claims that the 56 days had expired before the refusal was issued.
7. Therefore, the main issues in the appeal are:
 - whether the works would consist of building operations that exceed those permitted as reasonably necessary for the building to function as a dwellinghouse; and
 - whether planning permission is deemed to have been granted by reason of the timing of the Council's decision.

Reasons

Extent of building works

8. The existing single storey agricultural building has a floor area of approximately 70 sqm with an attached building which is to be demolished as part of the proposal. The building has a monopitch roof and has three main external walls, with an open northern elevation save for its structural vertical timbers. The building is primarily constructed of timber with a profiled steel roof covering, timber cladding to the three enclosed sides and concrete floor. The roof structure supporting the steel roof comprises large double principal timber rafters supporting smaller timber purlins.
9. Paragraph Q.1 (j) places restrictions on the reasonably necessary building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.
10. The Planning Practice Guidance (PPG) advises 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 that the building would be considered to have the permitted development right. Whether or not the proposed works go beyond the scope of a conversion will require an element of planning judgement.
11. From my site visit, I noted the good condition of the building and its sturdiness. I did not consider the existing building envelope to be minimalist. It did not appear to have any obvious defects or reasons that conversion would be unsuitable or impractical. This view is supported in the submitted Structural Assessment¹, though not prepared by a qualified engineer but by an individual qualified to make reasoned assessments as those.
12. The obvious works that will need undertaking include the infilling of the northern elevation between and around the structural timber supports. I am satisfied that

¹ Structural assessment of existing building, Stephen Blakeman, June 2024

this could be achieved with adequate reliance on the structural integrity of the building. Though I note that the foundations have not been inspected, the apparent depth, level and solidity of the internal floor suggests that the building has a sound basis from which to adapt its envelope to form a new dwelling. Taken cumulatively, the addition of insulation, internal room divisions, new windows in the southern elevation and the infilling of the northern section with relevant openings do not go beyond the extent of works that are reasonably necessary for the building to function as a dwellinghouse.

13. The Council has referred me to an alternative scheme² involving a building which appears to have very many defects and no basic assessment of the structural capacity of the building as a basis for conversion. For similar reasons, I consider that there are clear differences between the appeal scheme and the Hibbitt³ case which involved significantly more building operations than are proposed in this instance.
14. Accordingly, for the reasons set out above, the building is suitable for conversion to residential use and would comply with the provisions of Class Q of the GPDO.

Timing of Council's decision

15. The Council received the Prior Approval application on 17 June 2024 as stated on the decision notice (the working day following its initial receipt on 14 June 2024). Part 3 W.(2) of the Order identifies that applications for prior approval must be accompanied by, amongst other things, a plan indicating the site and showing the proposed development. Plans were submitted, but a letter from the Council, dated 25 June 2024, requested that a scale bar be added to the plans, despite that scaling information and related specified dimensions were present. Given the provisions of Part W, I am not satisfied that the requested amendments were reasonable as a means of enabling the Council to determine the application.
16. Paragraph W.(11)(c) is clear that the 56 days for the determination date starts '*following the date on which the application was received by the Local Planning Authority*'. If taken from the date the Council should have validated the application, the 56 days expired on 12 August 2024. However, even if taken from the date that the plans with the scale bar was submitted (1 July 2024), the 56 days expired on 27 August. The decision was not issued until 4 September 2024.
17. The Council state that there was no record that the agent that submitted the plans was acting for the appellant and thus, they were not accepted until clarification of the same was provided on 18 July 2024. Whilst the agent's details are absent from the application form, they were detailed in the information block on the originally submitted plans and in the supporting information. The only difference between the plans submitted was the addition of the requested scale bars. Even with the clarification provided of the relationship between the agent and appellant, the Council has not recorded any agent details on the decision notice. Thus, there seems little rationale for the delay in accepting the plans and validating the application.
18. The Council, therefore, failed to provide the appellant with written notice within the 56-day period. In the absence of written notice under paragraph W.(11) of the

² APP/C1625/W/15/3033325

³ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

Order being received by the appellant, or their agent, by 27 August 2024 at the latest, planning permission is deemed to have been granted, by reason of the timing of the Council's notification of their decision.

Conditions

19. The Order attaches standard conditions to this type of development, including that development must be completed within a period of 3 years, starting from the prior approval date and that the development must be carried out in accordance with the details provided in the application. The Council has not recommended any further conditions that relate to the subject matters of approval and I do not find reason to impose any.

Conclusion

20. For the reasons given above, the scheme is permitted development under Schedule 2, Part 3, Class Q. As notice was not received by the appellant within the 56 days required under paragraph W.(11), planning permission is deemed to have been granted. For the reasons identified, I conclude that the appeal should succeed.

H Nicholls

INSPECTOR