



Appeal Decision

Site visit made on 4 June 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/W1145/W/25/3360141

Newlands, Dowland, Winkleigh, Devon, EX19 8PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Paul Gent against the decision of Torridge District Council.
 - The application Ref 1/0841/2024/FUL was approved on 21 November 2024 and planning permission was granted subject to conditions.
 - The development permitted is single storey extension and alterations to existing dwelling with associated landscaping works.
 - The condition in dispute is No.5 which states that:
Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development of the types described in Part 1 Class A, B, C, D and E of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.
 - The reason given for the condition is:
In the interest of the character and appearance of the setting of the barn in the countryside.
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Decision

1. The appeal is allowed and the planning permission Ref 1/0841/2024/FUL for a single storey extension and alterations to existing dwelling with associated landscaping works at Newlands, Dowland, Winkleigh, Devon, EX19 8PQ, granted on 21 November 2024 by Torridge District Council, is varied by deleting condition 5.

Main Issue

2. The main issue is whether the condition is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

3. The appeal site comprises a detached single storey bungalow on the southern side of a lane within the open countryside. To the west of the main bungalow is a static caravan which I understand is being used as overspill accommodation. The host property sits within a spacious plot with open fields to its west and south. To the east is a complex of large barns and buildings which I understand includes a business that the host property is tied to as a rural workers dwelling (granted in 1969 under ref. NN/2606). Opposite the appeal site, to the north, is a field and a farmhouse with a collection of large agricultural barns and buildings.
4. As I observed on my site visit, the host property appears to be only visibly in public views from the lane where a combination of boundary fencing, mature hedging and planting limit views of the property to largely its pitched and gabled roof. The stone barns to the north are far more prominent visually as they are only separated from

the lane by a grass verge and that also applies to the barns/buildings to the east where the verge is used for parking.

5. The approved extension would be to the side of the host property and sited on the area that currently contains the static caravan. Existing sheds to the front and rear would be removed and a larger parking/turning area incorporated on the frontage. At the time of my site visit the proposed works had not commenced.
6. The condition in dispute restricts permitted development rights (PDR), other than for the approved development, in relation to Part 1 Classes A, B, C, D and E of Schedule 2 to of the Town and Country Planning (General Permitted Development) Order 2015. The restrictions would apply to: A – enlargement, improvement or alterations; B – additions to the roof; C – other alterations to the roof; D – porches; and E – buildings, etc.
7. Paragraph 57 of the National Planning Policy Framework (December 2024) (NPPF) states that *“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.”* This policy approach is reaffirmed in the Planning Practice Guidance chapter on the ‘Use of planning conditions’ (updated 2019) (PPG). Paragraph 55 of the NPPF is also relevant in that it states that *“Similarly, planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so.”*
8. Paragraph 17 of the PPG also states that restricting permitted development rights may not pass the test of reasonableness or necessity. It continues by stating that the blanket removal of freedoms to carry out small scale domestic extensions or alterations, that would otherwise not require an application for planning permission, are also unlikely to meet the same tests. As is well established, the PDR are there to give or confirm a freedom from detailed control over extensions, alterations and improvements. They allow householders to improve their homes without the need to apply for planning permission where that would be out of proportion with the impact of the proposed works.
9. Within the above context, the Council’s Delegated Report (CDR) and its Statement of Case (CSOC) state that the reason for imposing the restriction on PDR was to prevent further expansion of the host as it would more likely make it unaffordable for a rural worker in the future and as it would have an impact on the character and appearance of the rural area. Whilst I return to the former latter, the ‘Reason’ for the condition does not relate to its use as a rural workers dwelling and only states that it has been imposed in the interests of the character and appearance of the setting of the barn in the countryside.
10. The Council acknowledge that the reference in the ‘Reason’ to ‘barn’ should in fact be ‘bungalow’. Even so, there is no substantive evidence, either in the CDR or the CSOC, to support a PDR restriction on the basis of the character and appearance of the setting of the host. The NPPF and PPG are very clear that such restrictions require clear justification and must also pass the test of being necessary and reasonable. The Council have not provided any evidence, in relation to any of the Classes, as to the harm that could arise if those works were undertaken under PDR or why they should be subject to further control through the submission of a planning application.

11. I understand that the permission for the rural workers dwelling did not restrict PDR and thus up until the recent planning permission, the host property benefitted from those rights. As the Appellant also points out, based on the approved extension and as the host property fronts onto a road and as the Council have determined that the southern elevation is its principal elevation, it's unlikely that the host could be extended further under PDR. In addition, Classes B, C, D and E largely relate to small scale alterations and improvements or to incidental buildings or storage, which in view of the spacious plot and extensive boundary screening, would have no impact on the character and appearance of the area or the setting on the host.
12. Turning to the rural worker tie, as I confirmed, the 'Reason' does not include any reference to this matter or to policy DM28 of the North Devon & Torridge Local Plan 2011 – 2031 (October 2018) (LP). In addition, policy DM28 relates to the provision of accommodation for workers in the countryside and states that this will be supported where various criteria are met. It is, therefore, a policy to control new or proposed workers accommodation (dwellings) and not, as in this case, a householder application to extend a dwelling that currently benefits from PDR. Even so, there is no reference in the policy to restricting future extensions to approved workers dwellings or to removing PDR, and the word "*proportionate*" in the policy appears to relate to the workers accommodation for which permission is sought relative to the scale of the business it would support, at that time.
13. The Council have referred to a supporting Supplementary Planning Document (SPD) on workers dwellings but I have not been provided with a copy of this. I understand it refers to a maximum size for workers dwellings but in what context and whether this is simply to assist with interpreting policy DM28 is unclear. Even so, the Council have not provided any evidence as to why this policy and/or the SPD provide the justification for removing PDR or what harm might arise if those rights were to remain. As I confirmed, with the implementation of the current permission there would be limited ability to extend/expand the host under Class A (albeit even new windows and doors would be restricted) and Classes B, C, D and E either largely relate to small scale works and improvements, such as a porch, rooflights, re-roofing, dormers or to buildings that would be incidental to the enjoyment of the dwelling or for oil and gas storage or similar.
14. For the above reasons, I find that condition 5 is not necessary or reasonable and that there is no evidence before me justify a restriction on PDR being imposed in this case. I have, therefore, deleted condition 5.

Conclusion

15. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR