
Appeal Decision

Site visit made on 22 May 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/Y1138/W/24/3358003

Barn adjacent Holm Hill, Coldridge , Crediton EX17 6BR

- 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 Mrs Christine Stanbury against the decision of Mid Devon District Council.
 - The application Ref is 24/00853/PNCOU.
 - The development proposed is described as change of use of an agricultural building to 1 dwelling under Class Q.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No. 579 (SI No. 579) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In line with transitional arrangements, I have determined this appeal in accordance with the GPDO provisions that were in place prior to 21 May 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
3. I have used the description of development on the Council's decision notice for clarity in the banner heading above. I have removed words not in relation to acts of development.

Background and Main Issues

4. Class Q of the GPDO permits development consisting of 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 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations which are reasonably necessary to enable the conversion of the building. This is subject to limitations and conditions as set out in paragraph Q.1 and Q.2 of Class Q.
5. The GPDO states that the local planning authority can refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.
6. The Council contends that the development is not permitted development under Class Q(b) because it considers the scale of operational works proposed exceeds what could be considered to be reasonable and necessary to enable the building

to function as a dwelling. Furthermore, that the siting and location of the building would result in an impractical and undesirable location for a dwelling and thereby it would not meet the requirements of Class Q(b) due to the limitations specified under Q.1(i), Q.2(1)(a) and Q.2(1)(e).

7. The main issues are therefore whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(i), Q.2(1)(a) and Q.2(1)(e) of the GPDO having regard to:
- whether the proposal would result in building operations reasonably necessary to convert the building to a dwelling housing in respect to Class Q.1(i).
 - whether the location and siting of the building make it impractical or undesirable for the building to change to a dwellinghouse, in terms of highway access for future occupants.

Reasons

Building operations

8. The barn subject of this appeal is located off Holm Hill. It is a single storey, timber framed walls with steel cladding to the walls and corrugated metal sheet cladding to the roof. Three sides of the barn are steel clad, with one large opening to the front of the barn.
9. Planning Practice Guidance (PPG) states that the Class Q permitted development right is not intended to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. This includes the installation or replacement of roofs and external walls to the extent that is reasonably necessary for the building to function as a dwelling house. Furthermore, it outlines that internal works are not generally development and that for the building to function as a dwelling it may be appropriate to undertake internal structural works including internal walls amongst other things.¹
10. The existing agricultural building would be retained in terms of its overall form and scale. The appellant's structural survey refers to the need for minor repairs to the cladding so as to ensure it is in full functional order and states that the building could easily be adapted without any additional structural works.
11. There are some small gaps between the cladding and ground level as well as between some of the roof sheets. However, the structural surveyor has confirmed that the external metal cladding to the walls and roof can be retained with some isolated repairs. Consequently, there would be no need to remove the cladding and insulation would be provided to the underside of the roof as well as a new internal timber wall lining. Additionally, the timber frame is in a good structural condition.
12. The case of *Hibbitt v SSCLG [2016] EWHC 2853 (Admin)* held that the building must be capable of conversion to residential use without operations amounting to a complete or substantial re-building of the pre-existing structure. Whilst there is a small open section located on one of the side elevations of the barn as well as the open frontage of the barn, the proposed building works would not amount to a

¹ Planning Practice Guidance: Paragraph: 105 Reference ID: 13-105-20180615

complete or substantial re-build of the barn given the retention of the existing frame, cladding and the roof as well as the appropriateness of the internal works, all of which would accord with PPG and thereby would be included within the parameters of the Class Q permitted development right.

13. In conclusion the building operations would be reasonably necessary to convert the agricultural building to a dwelling and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO. Accordingly, this part of the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Location and siting of the building

14. The barn subject to this appeal is located approximately 150m from the public highway at Holm Hill. Whilst there are other dwellings in the surrounding area, the barn remains isolated given the distance from the public highway.
15. Due to its isolated location, it is accessed by a single steep track from the highway which also forms the Coldrige bridlepath 9. The barn is at the bottom of a steep incline in an agricultural field and the surface of the track is not a formally fixed surface. Consequently, in wet weather conditions the existing track surface would likely become difficult for vehicles including emergency vehicles to traverse given the steep gradient of the incline.
16. Each application is determined on its own merits and whilst I appreciate that the surrounding area may have similar steep roads and that the Highways Authority has not indicated significant concern, it remains that the appellant has not adequately demonstrated that vehicles could use the access track in adverse weather conditions. Consequently, the location and siting of the barn is impractical and undesirable for conversion and would not comply with Paragraph Q.2(1)(e) of the GPDO.
17. Paragraph Q.2(1)(a) of the GPDO refers to transport and highway implications. It has not been adequately demonstrated that the appeal scheme would result in a direct impact upon transport and highways. Consequently, it would not conflict with Paragraph Q.2(1)(a) of the GPDO. Furthermore, Paragraph W(10)(b) establishes that regard should be had for the National Planning Policy Framework (the Framework) insofar as it is relevant to the development and prior approval matters. Consequently, Paragraph 116 of the Framework outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, neither has been adequately demonstrated.
18. In conclusion, whilst I have found the appeal scheme to comply with Q2.1(a) of the GPDO, the location and siting of the appeal barn is impractical and undesirable for conversion with regard to highway access for future occupants. The proposed development would not therefore comply with paragraph Q.2(1)(e) of Schedule 2, Part 3, Class Q of the GPDO as the location or siting of the building makes it impractical and undesirable for the building to change use to a dwellinghouse.

Conclusion

19. Given that the location of the appeal building makes it impractical and undesirable for residential use, the appeal proposal would not be permitted development. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR