



Appeal Decision

Site visit made on 4 September 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/P1133/W/25/3364163

The Store, Three Corners, Nadder Bottom Road, Nadderwater, Exeter, EX4 2JQ

- 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 A Sellick against the decision of Teignbridge District Council.
 - The application Ref is 24/01777/NPA.
 - The development proposed is an application for Prior Approval under Part 3 Class Q (a) and (b) paragraph W of the GPDO change of use of an agricultural building to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an application for Prior Approval under Part 3 Class Q (a) and (b) paragraph W of the GPDO change of use of an agricultural building to a dwelling at The Store, Three Corners, Nadder Bottom Road, Nadderwater, Exeter, EX4 2JQ in accordance with the terms of the application, Ref 24/01777/NPA, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application form did not provide a description of development. As such, I have used the form of words provided on both the Council's decision notice and the appellant's appeal form.

Main Issues

3. The main issues are: (i) whether the building and land was used for the purposes of an agricultural trade or business; and (ii) whether the proposed site access would be suitable.

Reasons

Agricultural Use

4. Part 3, Class Q of the General Permitted Development Order (the GDPO) enables a change of use from a building that is part of an established agricultural unit, to form a residential dwelling. Paragraph Q.1(a)(i) notes that development is not permitted by Class Q if a site that is part of an agricultural unit was not in agricultural use on 24th July 2023.
5. Part 3, Paragraph X of the GDPO defines an agricultural building as one that is used for agriculture, and which is so used for the purposes of trade or business. Furthermore, Section 336(1) of the Town and Country Planning Act 1990 sets out that agriculture includes, among other things, activities such as horticulture, fruit

growing and the breeding and keeping of livestock, as well as the use of land as nursery grounds.

6. During my site visit, I observed that the land was being used to grow a variety of crops and produce and that livestock, in the form of ducks and chickens, was present. Moreover, the building was being utilised as a storage space for tools and equipment associated with that use. There was also an honesty box close to the road where people purchasing the produce could leave their money. I note that the appellant has provided firm evidence of customers buying their produce and has also provided a copy of an email from the Council's enforcement team which concludes that the permitted use of the land appears to be agricultural.
7. There is no requirement for the agricultural use to be the appellant's sole form of employment. It is also notable that the Council's officer report does concede that a small element of agricultural use may be taking place at the site, but that it is of very limited intensity. However, there is also no requirement for the trade or business to be of a certain size. Taking all of the evidence into account, it seems perfectly reasonable to conclude that the site, and the building, are in agricultural use as a trade or business, and that the work being undertaken is not merely a hobby.
8. With regards to the agricultural unit having been in use on 24th July 2023, the appellant has produced a sworn declaration that this was the case. Furthermore, the appellant's Planning Statement contains a letter from a neighbour which states that the building and the land have been used for agricultural purposes for many years. A photograph, taken by a third party, also shows that the honesty box was present in June 2023. As such, while I acknowledge that there are comments from other neighbours who disagree with this position, and that the building may have been temporarily used to store domestic items at times, I believe there is sufficient evidence to demonstrate that the agricultural unit was active on the relevant date. I am therefore satisfied that the proposed development would meet the requirements of Part 3, Class Q, Paragraph Q1(a)(i) of the GDPO.

Access

9. There is no requirement within the GDPO for the proposed site access to be part of the red line as shown on the approved plans. In this instance, the plans show the proposed access, and I am satisfied that this is sufficient to meet the requirements of the legislation.
10. While there does not appear to be an objection to the development proposal from the Highway Authority, the Council has stated that visibility at the access is insufficient. During my site visit, I observed that the boundary fence was set back, thereby enabling good visibility to the west. Visibility to the east is largely dependent on the maintenance of a verge which is outside of the appellant's ownership. However, it is reasonable to expect that this verge would be maintained by the Highway Authority. Moreover, it was abundantly clear during my visit that Nadder Bottom Road is a very quiet lane, and that it is necessary for vehicles to move along it relatively slowly in order to navigate safely.
11. I also give considerable weight to the fact that the access is already in use. Indeed, with food being grown, and animals being present, it is highly likely that the appellant would need to visit the site on a daily basis. It therefore seems unlikely that the proposed residential use would involve the access being used

more intensively to any great extent. Therefore, even if it was the case that sufficient visibility splays could not be demonstrated, I do not find that the change of use would lead to additional harm, over and above the current situation.

12. I am therefore satisfied that the proposed development would meet the requirements of Part 3, Class Q Paragraph Q2(1)(a) in respect of transport and highways impacts.

Other Matters

13. The site is within the zone of influence of the Exe Estuary Special Protection Area (the SPA). The Exe Estuary supports an internationally important assemblage of birds, including overwintering populations of Avocet and Slavonian Grebe.
14. The SPA is an important recreational and economic resource. It is well frequented by the public and it is very possible that occupants of the proposed dwelling would visit the site. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA.
15. The evidence before me is clear that the proposal, particularly when combined with other development in the area, would have a likely significant effect on the protected sites due to an increased disturbance through recreational activity. The parties have agreed a financial sum in accordance with the Council's Exe Estuary/Dawlish Warren Habitat Mitigation strategy which can be put towards infrastructure or non-infrastructure projects. The Council has confirmed that the financial sum has been received. They have also confirmed that the strategy has been prepared in consultation with Natural England. As such, it is not necessary for me to consult them separately as part of this appeal.
16. Based on the evidence before me, I am satisfied that the contribution would sufficiently mitigate the level of harm likely to be caused by the development and would be pursuant to the Council's adopted strategy. I therefore find that the proposal would not result in an adverse effect on the integrity of the designated site.
17. The appellant has provided a Flood Risk Assessment (the FRA) which adequately addresses matters relating to flooding. In particular, it notes that the site is located within Flood Zone 1, and that while Environment Agency mapping indicates a high risk of surface water flooding, this is inaccurate due to tree cover. I can see no reason to disagree with the conclusion reached. I note that the Council's drainage team has also stated that they are in agreement with the inaccuracies of the Environment Agency surface water mapping in this location. Nevertheless, the FRA does include recommended measures to reduce potential for the building to be flooded. I am satisfied that these measures can be secured via condition.
18. Third parties have commented on the purchase price of the property, and also the potential impact on the highway network of expanding the agricultural use. However, these issues are not material to the proposal before me.
19. Nadder Farm, to the south east of the site, is a Grade II listed building. It's significance, in so far as it is relevant to this appeal, is derived from its historic use and attractive appearance. Given that the proposed works would not result in significant changes to the external appearance of the existing building, I am

satisfied that the proposal would not result in harm to the setting or significance of the listed building.

Conditions

20. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. I have also imposed a condition to clarify that the residential curtilage must be limited to the red line area as shown on the Block Plan.

Conclusion

21. For the reasons given, the appeal is allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be completed within a period of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents: 1766 (Flood Risk Assessment, Awcock Ward Partnership October 2024); 01787/2 Rev 4: Proposed Floor Plan; 01787/3 Rev 3: Proposed Elevations; 01787/9 Rev 7: Block Plan; and 01787/10 Rev 2: Site Location Plan.
- 3) Apart from a means of access, the residential curtilage of the dwelling for which prior approval is hereby approved is limited to the area within the red line only, as shown on the approved drawing no. 01787/9 Rev. 7 Block Plan, and does not extend beyond this.
- 4) The development hereby approved shall be carried out in strict accordance with the flood resilience measures set out in the Flood Risk Assessment by Awcock Ward Partnership, dated 2 October 2024. The flood resilience measures shall be fully implemented prior to occupation of the dwelling and shall be retained and maintained thereafter throughout the lifetime of the development.