
Appeal Decision

Site visit made on 16 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/W1145/W/25/3369281

Southcott, Frithelstock, Devon EX38 8LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
 - The appeal is made by Mr Austin Connor against the decision of Torridge District Council.
 - The application Ref is 1/0917/2024/TDC.
 - The development proposed is described in the application as “conversion of existing barn to dwelling with associated works and landscaping”.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Costs applications have been made by the main parties against each other. These are the subject of separate decisions.

Procedural Matters

3. The description of development in the application form differs from that in the Council’s decision notice which is “application for approval of technical details for conversion of existing barn to 1no. dwelling and associated works following grant of permission in principle 1/0109/2022/PIP.” The appellant uses this description in their appeal form. Furthermore, the evidence shows that the application has been advertised and approached in this way. I have also dealt with it on this basis.
4. Accordingly, the proposal is for technical details consent following the grant of Permission in Principle. The Planning Practice Guidance (PPG) advises that the default duration of such a permission is 3 years, where applications for technical details consent must be determined within the duration of the permission granted. The legislation is set out in Section 70 of the Town and Country Planning Act 1990. This explains that the relevant Permission in Principle does not apply where it has been in force for longer than the prescribed period.
5. The original permission in principle was granted on 9 March 2022. The default duration therefore expired on 9 March 2025. The appellant highlights that the original permission decision notice referred to the requirement of a technical details consent to be “made” within 3 years, and that it ought instead to have used the word “determined”. Be that as it may, the original Permission in Principle has lapsed and ceases to exist other than as a reference point in the appeal site’s planning history.

6. For these reasons, there can therefore be no technical details appeal, and no further action will be taken.

Other Matters

7. I have paid regard to the appellant's comments in respect of the processing of the application. However, these have no bearing on my decision which is bounded by the procedural matters above.
8. As there is no extant permission, I cannot draw on my own observations that the appeal building is some distance from the unassociated farming activities. Neither can I deliberate for that matter on the merits of the noise report and its contextual findings, or the odour assessment. Furthermore, even if I were minded to attribute weight to the previous Permission in Principle, and the reuse of buildings, well designed places, planning for climate change and biodiversity matters set out in the National Planning Policy Framework, for the reasons given, this could have no effect on the appeal outcome.

J Hills

INSPECTOR