



Appeal Decision

Site visit made on 30 September 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025.

Appeal Ref: APP/X1118/W/25/3370468

Maybank Farm, East Anstey, Devon EX16 9JS

- 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) (GPDO).
 - The appeal is made by Ms B Simpson against the decision of North Devon District Council.
 - The application Ref is 79999.
 - The development proposed is described in the application as "*The proposal comprises the conversion of a building located within the farmyard of Maybank Farm. The building has been in agricultural use since it was granted change of use to agricultural use on 29th June 2023. The application seeks conversion to residential use based upon the current footprint with no extension.*"
-

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 from agricultural building to dwellinghouse at Maybank Farm, East Anstey, Devon EX16 9JS in accordance with the application 79999 and the details submitted with it including plan nos 2201/100 dated 23/04/2024; and 2201/301E; 2201/302B; 2201/303B; 2201/310D; 2201/320B all dated February 2024. The approval is subject to conditions set out by Paragraph Q.2(4) of the GPDO in that development must be completed within a period of 3 years from the date of this decision as well as the provisions specified in paragraph W.

Preliminary Matter

2. The description of development in the application form and banner heading above is lengthy and contains language that is not an act of development. To avoid the superfluous and in the interests of clarity, I have abbreviated it in a similar way to that set out in the Council's decision notice.

Background

3. The Planning Practice Guidance states that permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is effectively a 2-stage process where it is necessary in the first instance to determine whether or not the proposal is permitted development.

4. In part, Class Q of Part 3 of Schedule 2 to the GPDO says that development consisting of Q(a) a change of use of a building that is part of an established agricultural unit or a former agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order; and Q(b) and (c) an extension or building operations reasonably necessary to convert the building, is permitted development.
5. Where development is found to be permitted, this is subject to certain conditions including the transport and highways impacts that are set out in Q2. -(1)(a). The developer must, amongst other things, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to transport and highways impacts on the development, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. The Council may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the Council to establish whether the proposed development complies with such conditions.

Main Issue

6. The main issue is the effect of the proposed development on highway safety.

Reasons

7. Even if criterion b) of paragraph 115 of the National Planning Policy Framework did not apply to other access points beyond the site in question, paragraph 116 is clear that development should only be 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. It is therefore reasonable to consider the effects on the wider road network.
8. There is no dispute between the parties that the proposed access from the appeal site onto the highway would be suitable. However, the Council and Highway Authority consider that a likely increase in vehicles using a junction about 300m away, that joins a Class II County Road, would result in risk of additional danger to all road users and interference with the free flow of traffic. The appellant does not seek to challenge the described substandard nature of this junction and instead relies on a site-specific survey in the form of a highways technical note.
9. As part of this, a traffic turning count survey was undertaken over 2 full days, recording 21 movements on day 1, and 29 on day 2. Movements along the B3227 were recorded at less than 1 per minute. This evidence shows that the B road is not heavily trafficked at this particular point, and that there is some variation in the number of vehicles using the junction. Given the current agricultural use of the appeal site is said to generate about 2 trips a day, the slight increase to 3 or 4 trips a day from a residential use would fall within the recorded daily variations. As such, any potential increase in traffic movements at the junction caused by the development would be likely to be negligible.
10. I acknowledge crashmap data on recorded collisions in the area, though these are not shown to have occurred precisely at the junction in question. While the status of the current residential occupation of the appeal site may not be defined, there is likely to have been a marginal increase in trips and use of the junction for some

time. In that knowledge, there is little to show that collisions have occurred at the B3227 junction during this period, or over the last 5 years.

11. In terms of travel patterns, it is clear from the evidence and my own observations that there is access to nearby settlements, with services and facilities, which would not require the use of the junction. Furthermore, an alternative route to access the B3227 took me about 1 minute to drive to. This was not inconvenient and provided a clear view of oncoming traffic along the County Road when looking in both directions. Future occupiers, visitors, or delivery drivers would therefore have an easy alternative way of accessing the B3227, if so desired.
12. In that context, the Council refers to a nearby appeal decision at Pigginswood Stables¹ where the inspector commented on highway concerns at the B3227 junction. However, that scheme was concerned, in part, with potential increased trip generation from an unrestricted commercial use, rather than a small scale residential one. Additionally, the inspector noted that there was a lack of substantive evidence on the matter of highways safety at the junction. These are very different circumstances to this appeal and cannot be given much weight at all.
13. For the reasons given, the proposal would not have a harmful effect on highway safety. As such, there would be no conflict with Policy DM05 of the North Devon and Torridge Local Plan.

Other Matters

14. The Parish Council is concerned that the appeal building has not been used continuously for agricultural purposes. While noted, even if furniture were stored previously, the current version of the GPDO allows for the change of use of a building. While covering a small overall area, there is no firm evidence to demonstrate that the building and its surrounding land was not part of an established agricultural unit at the relevant date. Furthermore, the Council does not challenge this. Accordingly, as the proposal is permitted development, local planning policies that restrict housing in the countryside would not apply.
15. Representations are made in respect of an alleged unauthorised residential use of land, though this is not relevant to this appeal. The use of planning conditions to attempt to control this matter would therefore be unlikely to pass the tests of reasonableness as set out in the Framework.
16. There is a small shed to the immediate south of the appeal building. The appellant has agreed that this would be removed once the new barn becomes operational. At the time of my visit, the new barn appeared to be completed and in agricultural use. I am satisfied that the gated access arrangement to this new barn would be unlikely to cause unacceptable harm to the living conditions of potential future occupiers.
17. Additionally, as the small shed is so close to the appeal building and within the same ownership, it is unlikely to be severed. Given the presence of the new larger barn, options are available to house livestock elsewhere. Therefore, even if it were not demolished, as intended, the future use of the small shed would be most likely to be self-regulating by future occupiers. It would therefore not be necessary to remove it or impose a restrictive planning condition pertaining to its use. For

¹ APP/X1118/W/20/3264903

similar reasons, neither would there be a need to control the occupancy of the appeal building.

Conditions

18. Any prior approval and planning permission granted for development under Class Q of the GPDO is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date, as well as the provisions of paragraph W.
19. Section W (13) of Part 3 of Schedule 2 of the GPDO allows for the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
20. The Council does not suggest any conditions, though its Environmental Health Manager recommends a condition in the event of any unexpected contamination. They do however not cite any particular concerns in this respect. Therefore, I do not find this condition would be necessary to make the development acceptable and have not imposed it.

Conclusion

21. For the reasons given, the appeal succeeds.

J Hills

INSPECTOR