



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: 24th October 2025

Appeal Ref: APP/P1133/W/25/3364984

West Wheatley Farm, Westwood Lane, Longdown, Devon EX6 7RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Herbert against the decision of Teignbridge District Council.
 - The application Ref is 24/01853/FUL.
 - The development proposed is the retention of a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr and Mrs Herbert against Teignbridge District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The Council's decision notice refers to policies contained within the emerging local plan. However, I note that the emerging plan is still at examination, and as such, it is not yet at an advanced stage of preparation and any objections to the proposed policies would not yet have been fully resolved. I have therefore assessed the proposed development against the adopted policies that are also provided within the decision notice. That said, the relevant emerging policies contain similar provisions to the currently adopted policies. As such, affording greater weight to the emerging policies would not have changed the outcome of this appeal.

Main Issue

4. The main issue is whether the site is in a suitable location, taking account of the Council's spatial strategy.

Reasons

Location

5. The appeal site is located in a highly rural area outside of any defined settlement boundary. In planning terms, it is therefore considered to form part of the open countryside. Policy S21A of the Teignbridge Local Plan 2013 – 2033 (the LP) seeks to direct new development to within defined settlement boundaries. LP Policy S22 states that, outside of these boundaries, development will be restricted to certain limited uses. The proposed single open market dwelling would not meet any of these exceptions. As such, it is clear that the proposal would conflict with

the Council's adopted spatial strategy as set out within LP Policies S1, S21A and S22. Taken together, the relevant aspects of these policies seek to promote sustainable patterns of development.

Planning Balance

6. The appellant secured prior approval in January 2020 to convert the previous agricultural barn into a residential dwelling. The relevant permitted development legislation, and the Council's decision notice, both contain a condition that required that the conversion be completed within three years. The Council has produced very firm evidence, in the form of Building Control notes from various site visits, which leads me to conclude that this stipulation was not met. Indeed, the note from the visit on 5 January 2023, just five days before the end of the three-year period, sets out that much of the structural work was in place. A further site visit took place on 13 March 2023, but it was not until the visit on 12 May 2023 that it was confirmed that the main structural works had been carried out. With additional structural work still outstanding at the end of the three year period, it is simply not possible for me to conclude that the works to convert the barn were complete at that time.
7. As part of their appeal statement, the appellant has referred to a previous appeal decision¹ wherein the Inspector considered relevant case law in determining when a change of use had occurred. During my site visit, I noted that the work undertaken appeared to conform with the plans that are before me in relation to this appeal. It also seemed apparent that, while the building was not yet habitable, the structural work had been completed. It is therefore possible to conclude that the building now resembles a dwelling rather than an agricultural barn. Nevertheless, this does not alter the fact that, in my view, it cannot be considered that the original three-year timescale to convert the barn in accordance with the approved plans was achieved. Furthermore, while there may have been circumstances that delayed the conversion works, such as the Covid pandemic, this again does not alter the factual position in relation to the timescale condition.
8. As a result, in order to conform with the relevant stipulations that are set out within the decision notice and the relevant legislation, the appellant would need to successfully apply to vary the timescale condition or submit a further prior approval application. The appellant has stated that they are likely to apply to vary the condition should this appeal fail. I acknowledge that there is a greater than theoretical chance that such an application could be submitted and approved, and that the barn conversion could be completed. However, it appears that no such application has currently been submitted to the Council or been approved. Given the level of uncertainty that exists, it is appropriate to only afford the presented fallback position very limited weight as part of the overall planning balance. As such, it is not a determinative factor in this decision.
9. The construction of one new dwelling would provide some social and economic benefits. There is also potential for the home to be energy efficient and for there to be some enhancements to biodiversity. Nevertheless, given the scale of the proposal, these benefits are very limited. I note that the appellant is likely to have spent significant time and money on the development thus far. However, this is a private matter that I afford no weight to.

¹ Appeal ref: APP/G5180/X/18/3200876

10. In contrast, I apply significant weight to the conflict with the adopted spatial strategy for the area given that it seeks to direct development to sustainable locations, including by avoiding the provision of open market dwellings within countryside locations. As such, the harm in this case outweighs the benefits of the scheme, including the very limited weight applied to the fallback position.
11. The Council has set out that they can currently demonstrate a housing land supply of 5.1 years. As such, the test set out within paragraph 11d(ii) of the National Planning Policy Framework (the Framework) does not apply. The appellant has raised concerns that this position does not reflect the latest version of the Framework, and that the current land supply figure could be less than four years.
12. Despite this claim, there is no substantive evidence before me that would lead me to conclude that the Council cannot currently demonstrate a five-year supply. In any event, even if the test in paragraph 11d(ii) of the Framework was applied, this would not alter the outcome of the appeal. Indeed, in such a scenario, I would have found that the harm related to the conflict with the spatial strategy, which reflects the overall aims of the Framework in terms of locating development in sustainable areas, significantly and demonstrably outweighs the benefits of the scheme.

Other Matters

13. I note that the site is within 10km of the Exe Estuary Special Protection Area and that the appellant has made a financial payment to provide mitigation. However, as I am dismissing the appeal I am not required to consider this matter in more detail.

Conclusion

14. The proposed development does not accord with the Council's spatial strategy, and therefore conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR