



Appeal Decision

Site visit made on 8 October 2025

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/U1105/W/25/3364022

Oakhay Barton, Road From Burrow Corner To Chestnut Crescent, Stoke Canon, Devon EX5 4ED

- 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 Order).
 - The appeal is made by Mr R May against the decision of East Devon District Council.
 - The application Ref is 25/0035/PDQ.
 - The development proposed is change of use of the existing agricultural building to five dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development above to remove wording relating to the location of the proposal, which is not an act of development.
3. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 came into force. Transitional arrangements in place until 20 May 2025 allowed applications to be determined against the provisions of Class Q in effect prior to 21 May 2024; those of the 2020 version of the Order. The original application, dated 8 January 2025, relied on this earlier version of Class Q, and was determined on this basis by the Council. For the avoidance of doubt, this appeal has also been considered against the provisions of the 2020 version of the Order, and all references to the Order in this decision therefore relate to the version that was in force at that time.
4. The barns are numbered differently on the submitted plans, in the original prior approval report, and in the structural report. I have used the numbering from the plans, but have indicated alternative references used in the evidence where necessary for clarity.

Background and Main Issues

5. The permitted development right under Article 3(1), Schedule 2, Part 3, Class Q of the Order allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to convert that building, subject to various limitations and conditions. The Council refused the application on the grounds that the level of demolition proposed goes beyond that allowed by the permitted development right; that there is insufficient information to demonstrate acceptable flood risk; and that the proposal

would result in substandard living conditions for future users in respect of natural light.

6. Based on the submissions of the main parties, there is no reason for me to believe that the other criteria of Class Q are not satisfied. Consequently, there is no need to give them further consideration in this decision.
7. Therefore, the main issues are:
 - whether the proposed development falls within the terms of the permitted development rights under Article 3(1), Schedule 2, Part 3, Class Q of the Order, with specific regard to the demolition proposed; and
 - if so, whether the prior approval matters of flood risks and provision of adequate natural light in all habitable rooms of the dwellinghouses would be acceptable.

Reasons

Whether the proposal would be permitted development

8. As set out above, the permitted development right under Article 3(1), Schedule 2, Part 3, Class Q(a) and Q(b) of the Order allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to convert that building, subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.
9. The limitations of paragraph Q.1(i) are restrictive, meaning that building operations are not permitted except those set out in Q.1(i)(i); that is, the installation or replacement of windows, doors, roofs, exterior walls, and services to the extent reasonably necessary for the building to function as a dwelling house. Paragraph Q.1(i)(ii) allows partial demolition to the extent reasonably necessary to carry out these specified building operations.
10. The appeal site comprises a cluster of barns north of Oakhay Court. The scheme seeks the conversion of Barn 3, Barn 3a, Barn 3b, Barn 3c, and Barn 4, and the removal of Barn 5. Barn 5 (Barn 2 in the Structural Report) is described as a rectangular barn with a pitched roof and masonry walls. While the edge of its roof falls close to that of Barn 3, it is a separate building, with four walls independent of the barns to be converted.
11. The schedule of works listed in the appellant's prior approval report sets out that only installation, sealing, and other minor works are required for the conversion. A more detailed breakdown of reasonably necessary works is provided, including insulation, flooring, studwork to form internal walls, internal finishing, installation of electricals and plumbing, and connection of services. No mention is made of the demolition of Barn 5 being necessary to carry out these works.
12. As an act of demolition, the removal of Barn 5 would not fall within the description of Q.1(i)(ii) for two reasons. Firstly, its removal would not be a partial demolition; it would be removed in its entirety. Secondly, even if it were considered to be a 'part' of the whole site and a 'partial demolition' on that basis, its removal would not be reasonably necessary to carry out the works detailed in Q.1(i)(i). As detailed above and in the evidence, the conversion works could be carried out without the removal of Barn 5.

13. Even though Barn 5 is described as ancillary to the site as a whole, comprising some 17% of the building area, there is no provision within the works permitted by Class Q for the complete demolition of separate ancillary structures.
14. Removing Barn 5 would allow more natural light to reach the new windows proposed for the western side of Barn 4, and the provision of adequate natural light to habitable rooms is a condition of prior approval under paragraph Q.2(1)(g). However, this factor is not part of the assessment of permitted development under paragraph Q.1. Only development permitted under Class Q(a) and Class Q(b) is subject to the conditions outlined in paragraph Q.2.
15. My attention has been drawn to several applications made to the Council¹, and an appeal decision in Ilmington² in which the decision makers had found demolition works to be permitted development under Class Q. I have limited information with which to make a direct comparison to the proposals before me. However, in the case of Ilmington, the Inspector describes the part of the building to be demolished as a 'lean-to' structure to the side of Barn 2, indicating that it is part of the building to be converted. In respect of the Council's applications, these again describe attached, lean-to structures that are part of the building to be converted. That is not the case with this appeal.
16. The plan provided for application reference 22/1923/PDQ indicates a number of separate buildings shown to be removed. However, the extract from the officer report doesn't discuss the removal of these, and it is not clear if they were considered as part of the conversion works; particularly as they fall almost entirely outside the red line boundary. The fact that the conversion works to Building 2 in that case were found to be permitted development therefore has little bearing on my considerations in this appeal.
17. Taking all of the above into account, I conclude that the appeal proposal would not falls within the terms of the permitted development rights as set out in Schedule 2, Part 3, Class Q of the Order, with specific regard to the demolition proposed.
18. Given my conclusion that the proposal would not be development permitted under Class Q of the Order, there is no need for me to consider the prior approval matters of flood risk and the provision of natural light under paragraph Q.2, as it would not alter the outcome of the appeal.

Other Matters

19. The plans indicate the removal of three additional barns, shown as Barn 1, Barn 2, and an un-numbered barn to the south-west of the cluster. These have not been considered by the Council. They fall outside the red line boundary of the proposal, and are some distance from the building to be converted. As the description of the proposal under Class Q is for the change of use of the existing agricultural building, I have not considered these more distant barns further as part of this appeal.
20. The appellant refers to the provision of five residential dwellings and the contribution they would make to the Council's housing supply, making a clear contribution to the Government's objective to significantly boost the supply of homes. There would also be social and economic benefits associated with support for local shops and facilities and construction jobs. Nevertheless, this appeal

¹ Application references: 23/2176/PDQ, 23/1664/PDQ, 24/1863/PDQ

² Appeal reference APP/J3720/W/21/3271707

decision must be taken in accordance with the requirements of the Order, which limits my considerations to the main issues outlined above.

Conclusion

21. For the reasons given above the appeal should be dismissed.

K Jones

INSPECTOR