



Appeal Decision

Site visit made on 29 October 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/P1133/W/25/3368555

Barn at land next to Lyndale, Leygreen, Teigngrace TQ12 6QW

- 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 P Eveleigh against the decision of Teignbridge District Council.
 - The application Ref is 24/01929/NPA.
 - The development proposed is notification of prior approval of change of use of 1 in no. agricultural buildings to 1 in no. dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. 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 GPDO), planning permission is granted for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order, subject to limitations and conditions.
3. Paragraph Q2. (1) (e) of Schedule 2 Part 3 of the GPDO requires the local planning authority to assess whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order.
4. Accordingly, the main issue of the appeal is whether the location of the building within a mineral safeguarding area makes it impractical or undesirable for it to change use to a dwelling.

Reasons

5. The appeal building is within the Bovey Basin, which is a large sedimentary basin containing ball clay. Ball clay is only found in small parts of Devon and Dorset, and the Bovey Basin resource is the most important source of ball clay in the UK. It offers the greatest diversity of clays, and some of these are not found anywhere else in the world. It is therefore of international significance. Accordingly, the appeal site is within a mineral safeguarding area (MSA) for ball clay as defined by the Devon Minerals Plan 2011-2033 (DMP).
6. The purpose of an MSA is not to prevent development within the area, but rather to ensure that non-minerals development does not needlessly prevent the future

extraction of mineral resources¹. Paragraph 225 of the National Planning Policy Framework (Framework) states that development proposals in safeguarding areas should not normally be permitted if it might constrain potential future use for mineral working.

7. The barn stands in a long term working area that benefits from planning permission for mineral working. Although not all the resources in Bovey Basin may be capable of extraction, evidence provided suggests that the extraction of ball clay is economically viable at the site. A dwelling known as Lyndale stands alongside the barn. As well as being in the wider MSA, Lyndale is also within the long term working area. Lyndale occupies a larger plot than the barn and extends further into the long term working area. The area is therefore already constrained and partly sterilised by the presence of this existing dwelling.
8. The appellant suggests that if workings were established at the site they would be far too close to Lyndale to be acceptable. However, the Council has provided evidence of existing working areas that are close to dwellings, and that the extraction of ball clay is generally lower impact than other mineral extractions. Therefore, whilst the presence of Lyndale already presents a constraint, it does not mean that workings could not be established close by.
9. Although the proposal is for a conversion and therefore a new building would not be added to the site, it would see its use changed. As a dwelling it would be reasonable to assume that it would remain at the site for a longer duration than a barn, and with a greater degree of permanence. It would be more valuable than a barn and it is thus likely that it would attract long term maintenance and a greater level of ongoing investment than if it remained in agricultural use. Additionally, its occupancy as a dwelling would be sensitive to the impacts of mineral working close by, with the potential to create future conflict.
10. Paragraph 5.1.5 of the Supplementary Planning Document² states that the extent of direct sterilisation from minor development such as an individual dwelling may be very limited. In this case the sterilisation that would arise from the proposal would be less than the footprint and curtilage area of Lyndale. However, it would still constitute a further sterilisation of the long term working area that would prevent subsequent extraction of the underlying material. In addition, a wider portion of the working area would be constrained by the proposal as an additional noise and dust sensitive use would be introduced. Case studies are provided in Section 6 of the Supplementary Planning Document. None are however comparable with the appeal proposal.
11. With regard to Policy M2 of the DMP, development is only permitted within an MSA if one or more of the criteria is satisfied. It is established that extraction is economically viable at the site. Criteria b) is not relevant for a conversion scheme. The proposal is not temporary, does not benefit from an overriding strategic need, and is not exempt development. It would therefore receive no support from Policy M2.

¹ Planning Practice Guidance Paragraph: 002 Reference ID: 27-002-20140306

² Devon County Minerals and Waste Development Framework: Minerals and Waste – not just County Matters Part 2: Mineral Safeguarding Supplementary Planning Document January 2018

12. In summary, the location of the building within a MSA make it impractical and undesirable for it to change to a dwelling, with reference to Q2. (1) (e) of Schedule 2 Part 3 of the GPDO.

Other Matters

13. The appellant refers to the Council's housing land supply position, and the benefit that would arise from the creation of a new dwelling. Planning Policy on matters such as housing land supply in the Framework is not relevant to applications for prior approval and should be given no weight.

Conclusion

14. For the reasons given, the appeal should be dismissed.

A Tucker

INSPECTOR