
Appeal Decision

Site visit made on 27 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Appeal Ref: APP/K1128/W/25/3367813

Land known as The Orchard, Ley Cross to Whipples Cross, Westlake, Devon PL21 9JT.

- 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 Bernard Spilsbury against the decision of South Hams District Council.
 - The application Ref is 0970/25/PDM.
 - The development proposed is Conversion of Barn to a Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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, 28 March 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.

Background and Main Issues

3. 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), development is permitted for the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
4. The application was refused on the grounds that the building was not capable of conversion within the limitations of the permitted development right; that works to provide the parking and the access track go beyond the scope of the permitted development right, that the development is unacceptable in highways terms due to the access and parking arrangements and that there is insufficient evidence to demonstrate acceptable flood risk.

5. 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.
6. Therefore, the main issues are:
 - whether the proposed development would constitute permitted development in respect to Class Q and paragraph Q.1(i); and
 - if so, whether the prior approval matters of the transport and highway impacts and flood risk would be acceptable.

Reasons

Whether the proposal constitutes permitted development

7. 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.
8. 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.
9. The building is a large steel framed barn with the main section being open at both ends. The roof is formed of metal sheeting, walls are a combination of blockwork, solid walls, and corrugated metal. At the time of the site visit the building was not in active use and appeared to be somewhat in decline. Windows were broken, some sections of the metal sheeting were missing and there were visible holes in other areas.
10. The Report of Structural Inspection by NR Associates concludes that the building is in good structural order and could be converted into domestic use with minimal remedial works or stabilisation required. Although it is noted that there are no structural calculations.
11. The details provided with the submission include a set of existing and proposed drawings. There are some sections of the building which are clearly new additions such as doors and windows. Details in respect of how much of the cladding and roof will be retained are not specific. However, the regulations allow for the replacement of walls and roofs as reasonably necessary.
12. The structural report suggests that some remedial works would be required to the steel rafters but does not suggest that replacement is required. Furthermore, the roof was found to be in generally sound and serviceable condition with no structural observations to note. It goes on to say that the proposed roof coverings would not result in significant increases to roof loadings.
13. I accept that it is likely that sections of the cladding, for example, may need to be replaced and other remedial works will be required to convert the building into a dwelling. However, the main form of the building will be retained and I am satisfied

that this work would fall within the remit of permitted development and the works to the building would amount to a conversion and not a re-build.

14. Whilst I find the conversion itself to conform with the requirements, there are references on the plans to additional development. The proposed site plan details a new permeable drive and a new permeable paved finish with open joints in reference to a paved area around the building.
15. As referenced above, Class Q specifies the works that can be carried out as permitted development. However, this is restricted to works to the building and other necessary works in relation to water, drainage, electricity, gas, or other services. The provision of a driveway and the paved area would not fall within the permitted works.
16. There may be a reasonable rationale for the annotation being shown on the drawings and that the architect may have been showing best practice for rainwater drainage. However, the plans clearly indicate some external works which are not permitted development, even if such work would not necessarily be required. As such the development as shown on the plans does not meet the permitted development requirements.
17. I acknowledge that from what I observed on site and the evidence presented that there may be some existing hardstanding in place which could be used for the access and parking area, however, this does not change the conclusions above.
18. Taking all of the above into account, I conclude that the appeal proposal would not fall 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 inclusion of works outside the alterations to the building.
19. 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 the transport and highway impacts and flood risk, as it would not alter the outcome of the appeal.

Other Matters

20. Reference is made to the fact that due to the overgrown nature of the site the ability to survey the building may have been restricted. At the time of the site visit it was possible to see the entirety of the building due to the vegetation being cut back. Although the circumstances may have been different in the past I am satisfied based on the evidence before me that an adequate structural assessment of the building for the purposes of this application was carried out.

Conclusion

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

H Faulkner

INSPECTOR