



Appeal Decision

Site visit made on 3 February 2026

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2026

Appeal Ref: APP/Q1153/W/25/3375519

Burcombe Farm, Brentor, Tavistock, Devon, PL19 0NQ

- 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 Stephen Cox against the decision of West Devon Borough Council.
 - The application Ref is 1434/25/PDM.
 - The development proposed is the change of use of an agricultural building to 1 no. Dwelling (Use Class C3) and associated operational development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) at Burcombe farm, Brentor, Tavistock, PL19 0NQ.
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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. The original application, submitted on 12 May 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 earlier 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.
3. The appeal site is within the Zone of Influence for the Tamar European Marine Site (comprising Plymouth South Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). The application was refused as no mitigation was provided with the application in respect of the recreational impacts of the new residents. A Unilateral Undertaking (UU) was submitted with the appeal, signed and dated 17 October 2025 in relation to a financial contribution in respect of this matter. I will return to this later in this decision.

Main Issues

4. Under Schedule 2, Part 3, Class Q of the 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.

5. The Council in its role as Local Planning Authority may refuse the application where it considers that the proposal does not comply with, or that the developer has provided insufficient information to enable the LPA to establish whether the proposed development complies with the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2. It is no part of the Council's case that the proposal fails to comply with the limitations to Class Q in paragraph Q.1. I have no reason to disagree with that position. As a result, the proposal would be permitted development if prior approval were to be granted.
6. The reasons for refusal related to compliance with the limitations within paragraphs Q.2 (1) (a) and (e).
7. Considering the above, the main issues are whether prior approval should be granted in relation to:
 - The transport and highway impacts of the development; and
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling.

Reasons

Transport and Highways

8. The appeal site is located in a remote rural area. The nearest public highway is a single width lane. From this lane, access is via a track (Track A), which consists of compacted stone with grass growing between the surface material. Access to the barn is then obtained via a further track (Track B), formed from rocks and stone. The initial section of the access route also serves Burcombe Farm which includes a dwelling.
9. The route from the public highway to the barn is uneven and, in places, steep, particularly along the newer section that crosses the field (Track B). During my site visit, I observed that both the appellant and I were able to drive to and from the site. However, the visit represents only a snapshot in time, and it was notable that conditions on that day were not icy.
10. Reference is made to Devon County Council's Standing Advice which in Appendix I advises that gradients for private drives serving up to three dwellings should not ideally be greater than 7% and a maximum of 10% and the first 6m not steeper than 5%. Alongside this the Devon County Council's Highway's Residential and Commercial Estates Design Guide Gradients states that driveways should ideally not be greater than 7%. It is acknowledged that there is some inconsistency between these numbers. However, the Standing Advice notes that each case will be taken on its own merits.
11. It should be noted that these pieces of guidance, whilst providing useful advice are not adopted policies. Information provided suggests that the gradient of the lane at the highway is around 3.1% which would be within the suggested limits, however, the access into the field also need to be considered.

12. The access down into the barn from the lane has a gradient of 18.4% at its steepest. This is steeper than the existing access to the farm which has a gradient of around 14.4%. Both are well in excess of the recommendations in the Standing Advice and Guidance.
13. I acknowledge that each case must be assessed on its own merits. In this instance, the driveway's surface material, its gradient, and its position within an open rural field are particularly relevant considerations. A tarmacked driveway in an urban setting presents a very different context, and consequently the application of standard design thresholds may need to be interpreted with some flexibility. Even so, the gradient of the proposed access would substantially exceed the recommended 10%, and it would do so in a setting that is arguably less engineered and less controlled than a typical residential estate.
14. The lane leading to the farm does not provide a directly comparable example, as it is enclosed by a hedge on one side and a bank with fencing on the other, making it notably more sheltered and less exposed than the track serving the barn. Moreover, the presence of other roads in the wider area with steeper gradients does not offer a suitable comparison. Those routes form part of the public highway network and benefit from engineered surfacing, drainage, and ongoing maintenance regimes that differ significantly from the private access track in this case.
15. Although the track has been constructed to serve the barn and may be usable by two-wheel-drive vehicles, its use in association with a dwelling would be materially different in both frequency and vehicle type to an agricultural use. Regular residential traffic, together with larger vehicles such as delivery vans and those used by emergency services, may encounter difficulty accessing the site.
16. According to the Council at the time the application was determined, the track surface was largely obscured by grass. The evidence indicates that the vegetation was removed only after the decision, exposing the underlying track and demonstrating that some degree of maintenance has previously been required. While it has been suggested that planning conditions could be imposed to secure future maintenance, or that improvements could be carried out under other provisions of the GPDO, even if this were possible, such measures would not overcome the fundamental concern regarding the steepness of the gradient.
17. Overall, I accept that the lane (Track A) down to the farm is existing and the use of this for an additional dwelling could be accepted based on the condition of the lane and the way it connects to the highway. However, Track B which connects to the barn is steeper and open to the edge of the field. Whilst it is possible for it to be used by cars, I do not find that this is overall a suitable and safe solution to be used on a daily basis, particularly in bad weather conditions.
18. I cannot be assured that the proposal's impacts on highway safety would be rendered acceptable or that a safe access suitable for residential use would be provided. Thus, I conclude that the development would have an unacceptable transport and highways impact. It therefore would not comply with the condition set out at paragraph Q.2(1)(a), Part 3, Class Q of Schedule 2 of the GPDO. Whilst not determinative, it would conflict with section 9 of National Planning Policy Framework (the Framework) which requires that safe and suitable access to the site be achieved for all users.

Siting and Location

19. Class Q.2(1)(e) requires an assessment of whether the location or siting of the building would make its conversion from agricultural use to a dwellinghouse impractical or undesirable. The Planning Practice Guidance (PPG) confirms that these terms are not defined within the regulations. It explains that “impractical” relates to situations where, due to the building’s position or surroundings, conversion would not be “sensible or realistic”, while undesirable concerns circumstances where the location or siting would give rise to outcomes that are “harmful or objectionable.”
20. The PPG provides an illustrative example of a building situated on the top of a hill with no means of access as a circumstance in which conversion would be considered impractical. While the building in this case is served by a track, the earlier concerns regarding the usability, gradient, and reliability of that access raise comparable issues about the practicalities of its use for a dwelling.
21. Concerns have been raised regarding potential conflict between domestic access requirements and the continued agricultural use of the field, particularly for livestock. The access track runs directly through the field. Although the appellant indicates that the land is presently used for hay rather than livestock, there would be no mechanism to control how the field may be used in the future.
22. Given that the lane leading from the public highway already serves an existing dwelling, the addition of traffic associated with a further dwelling would not result in a significant increase in vehicle movements. Although there may be occasions when farm vehicles and domestic vehicles meet along the lane, such interactions would be comparable to those that routinely occur on other single-track rural roads. Consequently, I do not consider that this would give rise to harm in respect of highway safety or vehicle conflict.
23. There are also potential issues concerning waste collection. The proposed dwelling lies a considerable distance from the public highway, which would make transporting refuse containers to a collection point difficult. No details have been provided regarding how waste would be managed, either in terms of collection from the dwelling itself or how and where containers would be positioned for collection at the highway,
24. Taking all of these factors together, I conclude that although a formed track exists to the barn, the combination of the distance from the highway, the building’s position within an open agricultural field, and the steepness of the access route results in a location that is both impractical and undesirable for a dwelling. The proposal therefore fails to meet the requirements of paragraph Q.2(1)(e) of Part 3, Class Q of Schedule 2 to the GPDO. Insofar as the Framework is relevant to this prior approval matter, the development would also conflict with section 12, which seeks to ensure that new development achieves a high standard of amenity.

Other Matters

25. The effect of permitted development upon protected species is not specifically referred to in the GPDO. The appeal site lies within the Zone of Influence for the Tamar European Marine Site, which are European designated sites. New residential development is likely to have a significant effect on the European Sites

through increased recreational pressure. The Council has indicated that mitigation would be required.

26. The grant of planning permission under Article 3(1) of the GPDO is subject to the provisions of the GPDO for each class of development and compliance with regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat, such as an SAC or SPA, before the works can be undertaken as permitted development. This includes a separate application to the Council under regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment and, depending on the outcome, this would determine whether, in terms of that matter, the scheme could be undertaken as permitted development under the GPDO.
27. Although a UU has been provided, based on the evidence before me, it does not appear that an application to the Council under regulation 77 has been made. However, had the appeal been allowed a regulation 77 application could have been submitted and potentially approved after the grant of prior approval. As I am dismissing the appeal for other reasons in any event, there is no reason for me to consider this matter further as part of this appeal.

Conclusion

28. There may be no dispute that the proposal would constitute a conversion under Class Q. However, the scheme would give rise to unacceptable transport and highways impacts and the location and siting of the building makes the proposed change of use impractical or undesirable.
29. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR