

LIST OF APPEAL DECISIONS FROM 22/05/2015 to 18/06/2015

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
14/01057/PNCOU	Prior notification for the change of use of agricultural building to dwelling house under Class MB(a) and (b) to Class C3 (APPEAL DISMISSED)	Land and Buildings at NGR 266078 109598(Great Close) Wembworthy Devon	Refusal of Change of Use	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

Summary of Inspectors Comments

The council refused the notification on two grounds that insufficient information has been provided to demonstrate that the building was in agricultural use as part of an established agricultural unit on 20th March 2013 and that the building operations required to convert the building went beyond those allowable by part i of Class MB, Part 3 of the Town and Country Planning (General Permitted Development)Order 1995 as amended, which has now been replaced by Class Q of the Town and Country Planning (General Permitted Development) Order 2015. The council argued that the building had been used as part of a builders storage yard, based on observations made during previous site meetings. However, the inspector found that there was no substantive evidence to conclude that the building had changed use since the agricultural operations were scaled down when the applicant's father passed away. In respect of the building operations that were required the inspector concluded that the provision of a concrete floor slab to support and internal timber frame structure that would in turn act to support the existing structure, would fail to comply with Class Q 1(i). The appeal was dismissed.

14/01144/PNCOU	Prior notification for the change of use of barn to dwelling under class MB(a) (APPEAL ALLOWED 12.6.15)	Land and Buildings at NGR 282238 99968 Elston Meadow Westwood Devon	Refusal of Prior Approval	Delegated Decision	Refusal of Prior Approval	Written Representations	Allow with Conditions
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Summary of Inspectors Comments

the main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under class Q. The council contended the building was in mixed use of builders yard and agricultural, the inspector considered this along with evidence submitted and concluded that the planning permission was not proof that the appeal property was not solely in agriculture. The appellant established that agricultural unit existed and was continuing. the size of the curtilage was raised by the authority however the inspector concluded that the maximum cumulative floor space of 450sqm is permitted development. No specific detail was submitted by the inspector relating to curtilage. It was considered by the inspector that sufficient detail of the building operations was included. That the building is capable of functioning as a dwelling. the inspector concluded that the proposed change of use is permitted and conditioned that the unit be started in 3 years contrary to the class Q requirement of completion within 3 years.