

OTTERY ST MARY TOWN COUNCIL

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24 April 2026

Dear Councillors

I hereby give you notice that the **Planning meeting of OTTERY ST MARY TOWN COUNCIL** will be held at **11:30 AM on Wednesday, April 29, 2026**, at **Ottery St. Mary Town Council (8 Broad Street, Ottery St. Mary, Devon, EX11 1BZ)**.

All members are hereby summoned to consider the matters detailed on the agenda below.

Yours faithfully

Jane Bushby

Ottery St Mary Town Council Admin

INFORMATION FOR MEMBERS OF THE PUBLIC/PRESS:

The law requires that public access is possible and not restricted, unless in the case of an agreed confidential session.

1. For members of the public/press that wish to speak at the meeting, under public participation, please raise your hand and wait for the Chair to prompt you.
2. For those who have no visual access to the meeting, Members will state their name before speaking and voting.
3. The order of business may be changed by a decision of the Council and by resolution without notice.

Note: Under the Openness of Local Government Bodies Regulations 2014, any members of the public are allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting

Mobile Phones, Pagers and Similar Devices – All persons attending this meeting are required to turn off Mobile Phones, Pagers and Similar Devices. The Chair may approve an exception to this request in special circumstances

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AGENDA

P/26/04/11 Apologies for Absence

To receive apologies for absence

P/26/04/12 Declarations and Disclosable Pecuniary Interests

To receive Declarations of interest for items on the Agenda and receipt of requests for new Disclosable Pecuniary Interests (DPIs) dispensations for items on the Agenda

P/26/04/13 Admission to Meetings

In consideration of the Public Bodies (Admission to Meetings) Act 1960 (publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted): to agree any items to be dealt with after the public and press have been excluded

P/26/04/14 Reports, Correspondence and Items referred to the Committee

- 1) Email received from EDDC Planning regarding Halls Farm - 242186DEM
- 2) Appeal Ref: **6001237** Land at Cadhay Lane, Ottery St Mary, Devon EX11 1QY - Dismissed

P/26/04/15 Minutes

To receive the Minutes of the Meeting of the Town Council of 20th April 2026 and to approve the signing of the Minutes by the Chair as a correct record

P/26/04/16 Planning Decisions Received

<u>24/1686/FUL</u>	9 Mill Street, OSM, EX11 1AB	Approval with conditions
<u>26/0598/CPL</u>	2 Ridgeway Gardens, OSM, EX11 1DU	CPL Approve Part 1

P/26/04/17 Public Participation

To assist with the smooth running of the meeting, the Chair will allow members of the public present to submit questions/comments relating to items on the agenda for consideration prior to the application being heard. Individual contributions will be limited to 3 minutes. Where there is a group of objectors or supporters for an application, a spokesperson should be appointed to speak on behalf of the group. The Chair will invite the member of public to speak, after the application has been introduced.

P/26/04/18 To consider and determine observations on the following Planning Applications:

Reference	Applicant	Details
1) 26/0705/PDQ	Mr Mark Oliff and Mr David Grimshaw	Prior notification (Class Q (a) and (c)) for a change of use The Poultry Barn, Green Lane, Feniton, Honiton, EX14 3BR
2) 26/0748/AGR	Mr Matt Williams	Building for use of housing livestock, due to current building being at capacity; also use for the storage of hay and straw Agricultural Building, Gipsies Lane, Tipton St John, EX10 0LR
3) 26/0782/FUL	Sam Barber	Construction of single storey rear extension, front porch and raised rear patio 7 Homefield Close, Ottery St Mary, EX11 1HS

P/26/04/19 To receive Councillors' questions relating to Planning Matters

P/26/04/20 Date of the next meeting: TBC



Appeal Decision

Site visit made on 24 February 2026

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2026

Appeal Ref: 6001237

Land at Cadhay Lane, Ottery St Mary, Devon EX11 1QY

- 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 Rupert Thistlewayte against the decision of East Devon District Council.
 - The application Ref is 25/0609/PDQ.
 - The development proposed is the change of use of 2no. agricultural buildings into 3no. residential dwellings and associated operation development to enable the buildings to function as dwellinghouses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, which made changes to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, (the GPDO). Transitional arrangements were set out under the amending Order, which allowed a developer to make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025. Given that the appeal scheme was applied for by the appellant and refused by the Council before that date, I have considered the proposal against the previous version of the GPDO.
3. Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the building operations reasonably necessary to convert the building. This is subject to various limitations and conditions as set out in Paragraphs Q.1 and Q.2 of that Class.
4. Schedule 2, Part 3, Paragraph W of the GPDO outlines the prior approval process, and provides that a local planning authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified as being applicable to the development in question.

Background and Main Issue

5. The Council refused the application on the basis of failure to comply with Paragraph Q.1(g) due to alterations to the appeal building undertaken under Class A(a) or Class B(a) of Part 6 of Schedule 2 of the GPDO during the period 10 years before the date development under Class Q begins. The officer report confirms that all other limitations, conditions and prior approval matters were satisfied. No other issues are before me.
6. Accordingly, the main issue in this appeal is whether the installation of new vertical timber cladding and corrugated sheeting means that permission cannot be granted for the development by the GPDO.

Reasons

7. The photographic evidence before me shows that new vertical timber cladding and corrugated sheeting were installed on the side elevations of both barns between November 2021 and April 2025.
8. The appellant argues that the cladding and sheeting do not constitute development by virtue of Section 55(2)(a) of the Town and Country Planning Act 1990 (the 1990 Act). This provides that the carrying out of works for the maintenance, improvement or other alteration of any building, where such works affect only the interior of the building or do not materially affect its external appearance, shall not be taken to involve development.
9. The appellant contends that Section 55(2)(a) contains two distinct limbs, and that for this appeal, the only question is whether the works were an 'alteration' for the purpose of Part 6, Class A of Schedule 2 to the GPDO.
10. However, on a plain and natural reading of the provision, 'maintenance', 'improvement' and 'other alteration' are all grouped as a single class of operations, all of which are subject to qualifying requirements that they must either be internal or must not materially affect the external appearance in order to fall outside the definition of development.
11. The installation of the cladding and sheeting resulted in a clear and visible change to the external appearance of the buildings. I therefore find that the installation of the new cladding and sheeting amounted to building operations within the meaning of Section 55(1) of the 1990 Act.
12. The appellant refers to *Parkes v SSE* [1979] 1 All ER 211 for support in the contention that the works were not a physical alteration to the land but instead were routine maintenance that had no permanent effect on the land on which the building is sited. However, the 1990 Act defines land as including any building, so it is unclear how this is of direct relevance to this case. As previously noted, maintenance still falls within the definition of development in the 1990 Act and is only exempt if it is internal or does not affect the external appearance of a building. Whether it is considered 'maintenance' or 'alteration' is of limited relevance.
13. Having found that the works constitute development, the next question is whether they are permitted by Part 6 of the GPDO. Class A(a) permits the erection, extension or alteration of a building where the works are reasonably necessary for the purposes of agriculture within the unit.

14. The appellant states that the cladding and sheeting were installed to improve weather protection, which is consistent with maintaining the buildings for agricultural use. In the absence of any evidence suggesting a non-agricultural purpose, and given the agricultural character of the unit, it is reasonable to conclude that the works were undertaken for agricultural purposes. On that basis, they may fall within the scope of development that can be permitted under Part 6, Class A(a).
15. The appellant suggests that the works were maintenance rather than the type of works that should be considered alterations normally permitted by Part 6. However, I have found that they are development and it has not been shown that they would have been permitted by any other means. Therefore, even if the limitation in Paragraph Q.1(g) does not apply, Article 3(5) of the GPDO would appear to be engaged. Article 3(5) provides that permitted development rights under Schedule 2 do not apply where the building operations involved in the construction of the building are unlawful.
16. Thus, in the absence of any evidence demonstrating that the cladding and sheeting were installed lawfully, the permitted development rights relied upon under Class Q would not apply in any event. This would remain the case even if the cladding and sheeting were not development under Part 6, Class A(a).
17. As the installation of the cladding and sheeting constitute development, it appears that they were either unlawful, or if they were permitted, that must have been under Part 6, Class A(a) and as they were carried out within the last ten years, the limitation in Paragraph Q.1(g) is engaged. This prevents the buildings from benefitting from Class Q permitted development rights.

Conclusion

18. For the reasons given above, the appeal should be dismissed.

K Reeves

INSPECTOR