

Appeal Decision

Site visit made on 17 October 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2016

Appeal Ref: APP/J9497/D/16/3155346

Little Sigford Farm, Road past Sigford Cottage, Sigford, Devon, TQ12 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs J Prior against the decision of Dartmoor National Park Authority.
 - The application Ref 0114/16, dated 12 February 2016, was refused by notice dated 5 July 2016.
 - The development proposed is described as: Retrospective application for the provision of annex accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of annex accommodation at Little Sigford Farm in accordance with the terms of the application, Ref 0114/16, dated 12 February 2016, and plans submitted with it, subject to the following condition:
 - 1) The annex accommodation hereby permitted shall not be used or occupied other than for purposes ancillary and subservient to the residential use of the dwelling known as Little Sigford Farm and shall not at any time be used, let, sold or otherwise occupied as a separate unit of accommodation.

Preliminary Matters

2. The application was made by Mr J Prior, as was the appeal. However, Mr J Prior has since passed away. Little Sigford Farm was held in the joint names of Mr J Prior and his wife, therefore it has passed to her by survivorship. As a result the appeal is continuing in the name of Mrs J Prior as indicated in the banner heading above.
3. I have left out the reference to the development being retrospective from my formal decision as this is superfluous and not an act of development.

Background and Main Issue

4. Permission was granted to convert part of a barn at Little Sigford Farm into ancillary residential accommodation (ref 0563/06) consisting of a sitting room, bedroom, bathroom and toilet. However, the planning history indicates that this permission was never implemented; rather a larger conversion took place which provided, essentially, a three bedroom dwelling.
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5. A retrospective application for planning permission for the larger conversion was refused (ref 0300/13). An enforcement notice for the cessation of the use of the building as a separate unit of accommodation followed, which was later upheld on appeal (APP/J9497/C/14/2224557, 2224558, 2224559, 2224560). A further application for planning permission, effectively a re-submission of 0300/13 was applied for, but also refused and this forms the basis of this appeal.
6. The main issue is whether the barn, as converted to a three bedroom dwelling, is acceptable having regard to local planning policy.

Reasons

7. The barn, as converted, provides a modest three bedroom self-contained dwelling. The Authority considers that it goes beyond the scope of being ancillary to the main dwelling at Little Sigford Farm. The barn is, however, smaller than the main farmhouse making it physically subordinate. It also clearly forms part of the farm unit, being sited amongst the farm house and farm buildings. It is occupied by the son of the appellant, his wife and two young children, and the son works on Little Sigford Farm, therefore it is used in an ancillary manner to the farm.
8. Although located in the countryside, given that the son's main employment is at Little Sigford Farm, the use of the barn as a dwelling reduces the need for him to travel for work. The close family connection to the main dwelling also further reduces the need to travel, for example, additional child care is close at hand. The general caring responsibilities associated with extended family can also be carried out without the need to travel.
9. Policy DMD25 of the Development Management and Delivery Development Plan Document (2013) provides for ancillary residential development including self-contained facilities. The supporting text to this policy acknowledges that family circumstances may lead to a need to provide accommodation which is ancillary to the main dwelling but provides a degree of independence for the occupant, and it goes on to state that where this can be accommodated within the curtilage, this may prove to be a satisfactory solution.
10. Whilst this policy warns that the intention is not to facilitate the creation of an independent dwelling over the course of time, the imposition of a condition restricting the use of the converted barn for purposes ancillary and subservient to the residential use of the main dwelling would ensure against this, as suggested by the Council. The appellant is willing to accept such a condition. In the circumstances, therefore, the converted barn can be considered as being ancillary to the main dwelling at Little Sigford Farm and it would be in complete accordance with Policy DMD25.
11. The Authority refers to other policies which largely concern the creation of separate new dwellings in the countryside. However, that is not what was applied for and in light of my findings above they are not relevant to the appeal before me. Therefore, for the reasons given, and having had regard to all matters raised, the appeal is allowed.

Hayley Butcher

INSPECTOR