The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2016

by David Walker MA MRTPI

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

Decision date: 29th December 2016

Appeal Ref: APP/K1128/W/16/3155501
Harleston Farm, Harleston, Kingsbridge, Devon TQ7 2BH

- 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 Mr Stephen Bennett against the decision of South Hams District Council.
- The application Ref 2829/15/FUL, dated 5 November 2015, was refused by notice dated 16 May 2016.
- The development proposed is change of use from vacant barn to one bedroom holiday unit.

Decision

1. The appeal is allowed and planning permission is granted for change of use from vacant barn to one bedroom holiday unit at Harleston Farm, Harleston, Kingsbridge, Devon TQ7 2BH in accordance with the terms of the application, Ref 2829/15/FUL, dated 5 November 2015, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The Council's decision notice is undated. I have accordingly used the date of the decision provided within the officer's delegated report and the Council's appeal statement.

3. The Council has confirmed that the conversion of Barns 2 and 3 into ancillary accommodation for the main dwelling has been permitted under a subsequent application[1]. I have therefore confined my consideration of the appeal to only the change of use of Barn 1.

Main Issue

4. Having regard to development plan and national policies for the conversion of rural buildings the main issue in the appeal is whether the proposal would result in an enhancement to its immediate setting.

Reasons

5. The building to be converted is located on the outskirts of a small hamlet and in relatively close proximity to the existing dwellings of Harleston Farm and Harleston House. The latter is grade II listed building and I have a duty to give special regard to the desirability of preserving its setting. The hamlet is served

[1] Planning application Ref: 2192/16/FUL

by a country lane that ends in the vicinity of the appeal site, continuing as a narrow track.

6. There is no dispute between the parties that the appeal site is at an isolated position. Furthermore, interested parties have alerted me to the lack of shops and facilities in the area and to poor access to public transport services. In these circumstances the proposal would not accord with Policy DP12 of the South Hams Local Development Framework: Development Policies Development Plan Document 2010 (the DP) which only supports the provision of tourist accommodation where it would be located in sustainable and accessible locations, amongst other matters.

7. However the DP pre-dates the publication of the policy of the National Planning Policy Framework where it is stated at paragraph 55 that isolated new homes may be permissible in special circumstances. One of the special circumstances identified at the third bullet point of paragraph 55 of the Framework is where a development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

8. In this regard the DP is not consistent with the Government's view of what sustainable development means in practice. With reference to the advice at paragraph 215 of the Framework the policy of paragraph 55 is a consideration to which I afford significant weight.

9. Some doubt has been raised over whether the appeal building is redundant or disused to accord with the terms of paragraph 55. The application documents point to machinery and other implements being used at the site. However, I have nothing before me to indicate that the building itself is presently in use. Moreover, at my site inspection it was evident that it was arranged internally with animal pens and was not being used as such. Accordingly, I am satisfied that the appeal building is disused for the purposes of the Framework.

10. In its current form the appeal building is a modest structure with a low-lying position in relation to the surrounding landscape and adjacent buildings. It is clearly visible however from along the lane and track and where its rudimentary blockwork and concrete sheeting roof construction is unattractive in a context featuring high quality buildings.

11. The proposal would clad over the blockwork in hit and miss cladding stained black and provide a new grey coloured corrugated metal roof. It would be a contemporary but understated treatment that would not present an outward appearance of living accommodation. There would be no enlargement and the proposal would retain the small scale of a minor rural building. It would not appear unduly domesticated.

12. Outdoor living spaces would be confined to the rear of the appeal building where they would be out of view. A modest garden with lawn and planted borders would also be provided off the gable end and would remain largely out of view. Overall, I am satisfied that the design and landscape treatment proposed would be sympathetic to the characteristics of the area and result in an enhancement to the immediate setting.

13. Turning to the setting of the listed building. While the listing description provided to me contains no assessment of the setting or curtilage of Harleston House, the proposal would evidently affect its setting as both buildings can be

seen together. The new domestic garden of the proposal would change the character of the appeal site but not unduly so against a background of the large garden of the host property. I am satisfied that with the enhancement to the immediate area I have identified the proposal would preserve the setting of Harleston House for the purposes of the statutory test and section 12 of the Framework.

14. Overall, therefore, I conclude that the proposal would deliver a demonstrable enhancement to the immediate setting of the appeal building. On this basis it would accord with the policy for the conversion of rural buildings set out at paragraph 55 of the Framework.

Other Matters

15. The proposal would be in close proximity to the garden of Harleston House and there is little scope for mitigation screening within the appeal site. Interested parties have raised concerns about the potential for harmful effects on the living conditions of the occupants from noise, lighting and outdoor living.

16. However, the garden to Harleston House is extensive and with many opportunities for private sitting out and enjoying the available views. With only limited accommodation proposed and outdoor living positioned to the rear of the appeal building I do not find significant harm to living conditions to outweigh the compliance with national policy I have identified.

17. While the proposal would undoubtedly result in some additional travel demands I note that the local highway authority has raised no objection on safety grounds and I have no reasons to disagree. My attention has also been brought to the commercial failure of other units of holiday accommodation in the area thereby raising doubts over the demand for additional accommodation. This is not a matter before me under paragraph 55 of the Framework and remains a private consideration for the appellant.

Conditions

18. The appeal being allowed I have given consideration to the suggested conditions provided by the Council. It is necessary to identify the period for implementation and plans approved in the interests of certainty. Having regard to the environmental health advice provided the Council I agree that a condition is necessary to avoid the harmful effects of ground contamination. A further condition is also necessary to ensure that the bat mitigation identified for Barns 2 and 3 is provided as these elements remain a part of the proposed works.

19. The parties are in agreement that a condition limiting the use of the accommodation for holiday purposes only is necessary. My findings in relation to paragraph 55 of the Framework above do not indicate that this would be justifiable. However, I am mindful that the appeal building is ancillary to Harleston Farm and that access can only be gained via the domestic entrance to the host property. On this basis I find that a condition limiting the occupation of the property for holiday purposes is necessary to prevent the independent and uncontrolled use of the shared access giving rise to harmful noise and disturbance for the occupants of Harleston Farm.

Conclusion

20. For the reasons given above, and with regard to the development plan read as a whole and to the Framework, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: EL-01, EL-02, EL-03, GA- 01, GA-03, Design and Access Report, CD/WA/504-01, C151653/AN01 (Hydrock Report), Planning Statement, Bat & Protected Species Survey & Bat Emergence & Activity Survey received by the Local Planning Authority on 22 December 2015; drawing no. EX-00, Heritage Asset Assessment, Bat and Protected Species Survey received by the Local Planning Authority on 1 March 2016.

3) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

4) The development hereby approved shall be carried out strictly in accordance with the recommendations in Section 6 of the submitted Bat and Protected Species Survey from Ecologic dated September 2015.

5) The development hereby permitted shall only be occupied as holiday accommodation and not as permanent residential accommodation. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of the building on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

End of schedule.