
Appeal Decision

Site visit made on 13 December 2016

by David Walker MA MRTPI

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

Decision date: 12th January 2017

Appeal Ref: APP/X1118/W/16/3157442

Barn at Houndhill, Burrington, Devon EX37 9LJ

- 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 Corrienne Hall against the decision of North Devon District Council.
 - The application Ref 61051, dated 24 April 2016, was refused by notice dated 20 June 2016.
 - The development proposed is conversion of agricultural building to form one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of agricultural building to form one dwelling at Barn at Houndhill, Burrington, Devon EX37 9LJ in accordance with the terms of the application, Ref 61051, dated 24 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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: Site location plan at scale 1:1,250; Plan as proposed drg no 649/1; Elevations and sections as proposed drg no 649/2; and, Planning Statement Incorporating Design and Access Statement dated 29 February 2016.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within classes A - H of Part 1, and classes A - B of Part 2, of Schedule Two of the Order.

Application for costs

2. An application for costs was made by Mrs Corrienne Hall against North Devon District Council. This application is the subject of a separate Decision.

Main Issue

3. The Council's decision notice contains three reasons for refusal. All of them relate to the issue of the suitability of the location of the proposal and conflict with policies for rural housing. I therefore consider the main issue to be whether the proposal would result in a suitable scheme for rural housing having regard to the development plan and national policies.
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Reasons

4. The proposal would convert the existing 'U' shape barn into a dwelling with no additional enlargement. External works would be confined only to the infilling of the open walls around a courtyard and the introduction of minor wall openings and roof light windows. Access is gained via a long single-track lane over an established farm entrance with a hardstanding and track. There is no dispute between the parties that the barn is at a position some distance from settlement and is accordingly isolated for planning purposes.
5. The development plan for the area against which I am required to reach a determination unless material considerations indicate otherwise is the adopted North Devon Local Plan of 2006 (the NDLP). Of the policies referred to in the reasons for refusal Policy ENV1 only permits development in the countryside where a rural location is required and there are economic or social benefits for the community, among other things, and Policy ECN5 only permits residential conversions where they would be subordinate to a business use or meet an identified housing need in the community.
6. The NDLP is a relatively aged document, however. It pre-dates the publication of the Government's planning policy contained within the National Planning Policy Framework (the Framework) by some years. In such circumstances paragraph 215 of the Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
7. In relation to rural housing, the Framework at paragraph 55 seeks to locate housing where it will maintain the vitality of rural communities. New isolated homes are to be avoided unless there are special circumstances. Significantly, development that would re-use redundant or disused buildings and lead to an enhancement to the immediate setting would amount to special circumstances under the third bullet point of paragraph 55. Conversions under the Framework are not required to satisfy further conditions relating to accessibility to services, or deliver to other economic or social benefits.
8. To the extent that the Framework read as a whole constitutes the Government's view of what sustainable development means in practice, development that accords with paragraph 55 would amount to a sustainable development. In this regard I find an inherent conflict between the requirements of Policies ENV1 and ECN5 of the NDLP and the Government's subsequent approach. The NDLP cannot therefore be considered to be consistent with the Framework and under these circumstances I find paragraph 55 of the Framework to be a consideration of significant weight.
9. Of the appeal decisions¹ provided to me in connection with this matter I do not disagree with the approach of the respective Inspectors. However, I have limited knowledge of the details of those cases and none of the decisions appear to specifically address the issue of consistency between the Council's policies and the third bullet point of paragraph 55 of the Framework. My attention has also been brought to Policies ST01, ST02 and DM27 of the emerging North Devon and Torridge Local Plan. The document has been submitted to the Secretary of State but remains to proceed through independent examination. On the information provided to me the policies

¹ Appeals Ref: APP/X1118/W/16/314635, APP/X1118/W/15/3033741, and APP/X118/A/13/2199694.

attract only limited weight at this time as they cannot be assumed to be found to be sound.

10. Judged against the requirements of paragraph 55 I acknowledge that the appeal building has recently been in use for stabling. The appellant submits that this was for only a temporary period during a time of convalescence. Nevertheless, the third bullet point of paragraph 55 requires the building to be redundant *or* disused, but not both, and I find the evidence provided to me surrounding the unsuitability of the size and configuration of the appeal building for modern agricultural uses to be persuasive. On this basis I am satisfied the building is redundant for the purposes of paragraph 55.
11. Whilst not a point in contention, an enhancement to the immediate setting is also a requirement of paragraph 55. The Council points to the risk that the introduction of domestic paraphernalia associated with a new dwelling would have on the appearance of the undeveloped hillside. However, the appeal building is not especially prominent notwithstanding its elevated position. With a new roof covering in natural slate in lieu of the artificial slate of the existing roof I am satisfied that the proposal would deliver a net enhancement to the setting.
12. Overall, therefore, I find the policy of the Framework to be a consideration of significant weight capable of outweighing Policies ENV1 and ECN5 of the Local Plan in this case. As I have found the proposal to be acceptable under the terms of paragraph 55 I conclude that it would amount to a suitable scheme for rural housing under the terms of the Framework.

Conditions

13. I have given consideration to the suggested conditions provided by the Council and agree that the period for implementation and approved plans should be identified in the interests of certainty. I also consider that the removal of permitted development rights relating to works within the curtilage of a dwellinghouse and certain minor operations is necessary to safeguard the character and appearance of the countryside setting to the proposal.

Conclusion

14. 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