
Appeal Decision

Site visit made on 18 January 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/Q1153/D/16/3162022

Middle Edgcumbe Barn, Edgcumbe Road, Milton Abbot, Devon PL19 0QH

- 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 & Mrs J Hooker against the decision of West Devon Borough Council.
 - The application, Ref. 2168/16/HHO, dated 14 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is a front and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a front and side extension at Middle Edgcumbe Barn, Edgcumbe Road, Milton Abbot, Devon in accordance with the terms of the application, Ref. 2168/16/HHO, dated 14 July 2016, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed extensions on the character and appearance of the existing dwelling.

Reasons

3. Although referred to as 'a barn' in the Notice of Refusal, the appeal building is already a dwelling, having been converted from a barn pursuant to the permission granted for a change of use almost 20 years ago. The reference in the Notice of Refusal to Policies RB1 & RB2 of the West Devon Borough Council Local Plan Review 2005 is therefore in my view technically incorrect and the justification for doing so in the Delegated Report for this householder application is somewhat tenuous and contrived.
 4. In the light of this, I consider it appropriate to afford less weight to the Council's arguments, as it has sought to apply policies for the conversion of rural buildings to the extension of an existing dwelling, which as the appellant points out, is more appropriately considered under Local Plan Policy H40. The most that can be said for the Council's stance is that Policies RB1 & RB2 have a longer term aspiration to retain the rural character of a converted building, with their reference to the removal of permitted development rights for future extensions. In addition, proviso (i) of Policy H40 requires the external appearance, scale, massing, size and materials of extensions and alterations to buildings to be consistent with the character of their surroundings and to the existing building itself.
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5. In having regard to this proviso, the appraisal in the officer's report that the nature and extent of the proposed alterations would to all intents and purposes remove the barn-like characteristics of the existing building is in my view correct. If it is important for these features to be retained, the loss of character arising from the development would not be consistent with the aforementioned aspirations of Policies RB1 and RB2 and proviso (i) of Policy H40.
6. On the other hand, the Council concedes that the existing building is '*not the best example of a sensitive conversion*' and indeed I am minded to agree with the appellants more trenchant criticisms that, having been used for residential accommodation for many years, the building has all the features of a domestic use and instead of having any special character and significance it is '*a rather ordinary and nondescript building*'.
7. Furthermore, from my internal inspection of the property I formed the view that without the proposed alterations and additions it has a layout, form of construction and a number of features inherently unsuitable for family accommodation consistent with modern day living standards. I also consider that any residual character of the building and its setting is in part compromised by the adjoining converted and upgraded large storage building within the appeal site.
8. Assuming that the objective of retaining a barn-like appearance is not pursued, I agree with the grounds of appeal that the extended building would not be 'too large' (especially bearing in mind the size of the site) and that the proposed external materials, including natural slate, render and stone lintels, are common features in this rural location and can be seen on other nearby buildings.
9. Taking all the evidence together, I consider on balance that to the extent that there is any conflict with the aspirations of Policies RB1 and RB2 and the provisos of Policy H40 no material harm would be caused. My reference to a planning balance is because the proposal does remove any vestiges of the building's origins as a barn. However, I have already made it clear that I regard the Council's use of Policies RB1 and RB2 to be less than straightforward, and to this can be added the appellant's point in respect of paragraph 187 of the National Planning Policy Framework 2012. In this regard I consider this to be a case in which the Council could have adhered to Government policy and looked for a solution in the form of negotiations on the application. This may well have resulted in a design and materials that enabled it to approve rather than refuse the appeal scheme.
10. In allowing the appeal I shall impose a condition requiring the development to be carried out in accordance with the approved plans so as to avoid uncertainty. A condition in respect of the approval of external materials will ensure a satisfactory appearance for the building. The appeal questionnaire also includes conditions in relation to ecology and contamination and I have imposed these to safeguard protected species and in the interests of health and safety respectively.

Martin Andrews

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 shall be carried out in accordance with the following approved plans: MAB:GA:01; MAB:GA:02 REV.A; MAB:GA:03; MAB:GA:04 REV. A; MAB:GA:05; MAB:GA:06 REV.A; MAB:GA:07 REV.A; MAB:GA:08 REV.A; MAB:GA:09 REV.A; MAB:GA:10 REV.A; MAB:GA:11 REV.A;
- 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces of the extended and altered building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
- 4) The recommendations, mitigation and enhancement measures of the Ecological Report, by Philippa Smith, shall be fully implemented prior to the occupation of the development hereby permitted and adhered to at all times. In the event that it is not possible to do so, all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority;
- 5) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out unless the developer has submitted and obtained written approval from the Local Planning Authority for the following work: An investigation and risk assessment, and where necessary a remediation strategy and verification plan detailing how this contamination shall be dealt with. Following the 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.