
Appeal Decision

Site visit made on 22 February 2017

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 3 May 2017

Appeal Ref: APP/Q1153/W/16/3161719

Annexe, Round House, Old Launceston Road, Tavistock, Devon PL19 8NA

- 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 Miss I Chambers against the decision of West Devon Borough Council.
 - The application Ref 0415/16/FUL, dated 10 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is described as 'change of use of existing annexe with planning permission for holiday accommodation into dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the setting of the listed building known as the Round House.

Reasons

3. The appeal site is a compact parcel of land accessed from Old Launceston Road. The site forms part of the existing curtilage of a Grade II listed building known as the Round House. The Round House is a two storey octagonal former toll-house dating from the early 19th century. It is situated on a fork in the road on the north-western edge of Tavistock. In determining this appeal I have had special regard to the desirability of preserving the setting of listed buildings and my statutory duties¹ in this respect.
4. A modest, single storey building with stone walls and a slate roof currently occupies the appeal site, sitting in close proximity to the Round House. An existing line of hedgerow planting runs between the Round House and the appeal building, although there is currently an opening in the hedge that serves as a pedestrian walkway between the two buildings.
5. The proposed development involves the change of use of the existing building from holiday accommodation to a residential dwelling. This would require no physical alterations to the existing building or its access arrangements, and only relatively minor works to close up the walkway through the existing hedge. The appellant submits that the granting of a number of earlier permissions in respect of the appeal site has resulted in an effective sub-division of the site such that the effects of the proposed change of use would be minimal.

¹ Under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

6. It was apparent from my site visit that a degree of visual sub-division of the site has already taken place. The existing hedgerow planting marks the line of the proposed dividing boundary and the appeal building has its own small enclosed patio area. However, it was evident from my visit that the sub-division is not complete. Whilst the existing hedge is well established, it is not of a height or density that wholly severs the appeal site from that of the listed building in a visual or physical sense. Viewed from the direction of the Round House, there remains a clear visual link with the appeal site which allows the whole site to be read as a single unit.
7. The Round House itself sits straight onto the highway at a relatively busy junction between two roads leading into Tavistock. This constrained form of development in the northern part of the site, which is an intrinsic feature of the building's original purpose, is counterbalanced by a degree of spaciousness in the southern part of its curtilage. As such, the space around the Round House, which includes the appeal site, continues to play an important role in rooting the listed building in its historical context.
8. I have been referred to a 2011 decision² to dismiss an appeal against an enforcement notice in relation to works to the appeal building. In that case, the Inspector noted that the space around the former toll-house allows it to be viewed in its historical setting. I note that since the 2011 decision, permission has been granted for the change of use of the building from a residential annexe to holiday accommodation. Nevertheless, I consider that the previous Inspector's observations about the importance of the space around the Round House to its significance as a designated heritage asset remain relevant to this appeal and reinforce my findings above.
9. I am told that under the building's lawful use as holiday accommodation, it may be occupied independently of the Round House, with no limit on the duration of stay so long as it can be demonstrated that it is not the occupier's main residence. The appellant contends that this effectively allows the building to function separately from the Round House and that on this basis, the proposed development would not have a materially more harmful effect on the significance of the listed building.
10. However in my view, there remains a clear functional relationship between the listed building and the appeal site, not least in terms of ownership and in the sharing of garden space, a single point of vehicular access and car parking. As such, the appeal site and the Round House site currently function as a single planning unit. The proposals would involve formally sub-dividing the site to create two separate residential units where only one currently exists. This would undoubtedly constitute a significant change to the setting of the listed building. Whilst the Council's assessment in respect of the original garage proposals may have found that the building would not adversely affect the setting of the listed building, I am mindful that an ancillary garage use is substantially different in nature to the creation of a separate residential unit.
11. The proposal would considerably reduce the amount of land associated with the listed building. The Planning Practice Guidance³ states that developments which materially detract from a heritage asset's significance may also damage

² Appeal Ref: APP/Q1153/C/10/2143348

³ Paragraph: 013 Reference ID: 18a-013-20140306

its economic viability now, or in the future, thereby threatening its ongoing conservation.

12. The Round House by its nature has a small internal living space. The effect of the proposal would be to limit the external amenity space to a small and shaded area of lawn immediately adjacent to the house and beneath high hedging along the roadside boundaries. The property would feel hemmed in on its triangular plot, enclosed at close quarters by roads on two sides and the boundary with the new residential unit on the third side. It would have no dedicated vehicular access or parking on this relatively busy route into town. As a result, the proposal would significantly reduce the attractiveness of the Round House as a unit of residential accommodation such that it could threaten the future viability of the listed building for residential use.
13. My attention has been drawn to a previous decision of the Council to grant permission for seven apartments on land associated with another toll-house building at 71 Plymouth Road, Tavistock. I viewed the site as part of my visit and noted that its surrounding area is of a more industrial and densely built up character than the appeal site which sits on the very fringes of town. I note that whilst it sits within a conservation area and adjacent to a World Heritage Site, the property in that case is not a listed building. I do not have full details of the case but I am told that developing the wider site secured the viable retention of the toll-house as a non-designated heritage asset. Overall therefore, the particular circumstances of that case appear to differ in a number of important ways such that it is not directly analogous to the case before me. It therefore carries little weight in my assessment of the proposal.
14. Having regard to all of the above considerations, I conclude that the proposed development would cause unacceptable harm to the setting of the listed building known as the Round House. It is my assessment that this harm would amount to less than substantial harm in the sense of the National Planning Policy Framework (the Framework). Paragraph 134 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
15. The proposal would provide one additional new dwelling on a site within the development boundary of Tavistock where local policy is supportive in principle of new residential development. The dwelling would contribute to meeting the demonstrated need for smaller residential units in the Borough and would make efficient use of the land. These are matters that weigh in favour of the proposal. However given their limited scale and scope, the public benefits of the proposal attract only modest weight in my overall assessment.
16. On the other hand, I have found that the proposal would harm the setting of the listed building, the conservation of which the Framework requires must be given great weight. I have also found that the proposal could threaten the continued viable use of the listed building for residential purposes.
17. On balance, I do not consider that the public benefits of the proposal would be sufficient to outweigh the harm to the setting of the listed building that I have identified. Consequently, the proposal would fail to conserve or enhance the significance of this designated heritage asset. The proposal would therefore be contrary to Policies SP1 and SP18 of the West Devon Local Development Framework - Core Strategy Development Plan Document 2006-2026 (adopted

April 2011) and Policy BE3 of the West Devon Local Plan Review (adopted March 2005), which together seek to protect the character and setting of listed buildings. I also find conflict with the Framework insofar as it requires the conservation or enhancement of designated heritage assets.

Other Matters

Housing Land Supply Position

18. The position in respect of whether or not the Council can demonstrate the existence of a five-year supply of deliverable housing sites within the Borough has evolved during the course of the appeal. The Council's position at the time of writing is that a five-year land supply can be demonstrated, although full details have not been provided in this regard. The appellant acknowledges this position but submits that it is yet to be tested.
19. Paragraph 49 of the Framework is clear that where the local planning authority is unable to demonstrate a five-year supply of housing land, relevant policies for the supply of housing should not be considered up-to-date and proposals fall to be considered under paragraph 14. Paragraph 14 advises that where relevant policies of the development plan are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when considered against the policies in the Framework taken as a whole, or specific policies of the Framework indicate development should be restricted.
20. Footnote 9 of the Framework gives examples of specific policies that indicate development should be restricted, including those relating to designated heritage assets. I have found above that the appeal proposal would lead to less than substantial harm to the significance of the listed building and that this harm would not be outweighed by the public benefits of the proposal.
21. Therefore, even if I were to conclude that there is a shortfall in five-year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, it is clear that in this case the proposal would not comply with the restrictive policy set out at paragraph 134 of the Framework. Consequently, the proposal would not represent sustainable development.

Conclusions

22. For the reasons given above I conclude that the appeal should be dismissed.

J F Powis

INSPECTOR