
Appeal Decision

Site visit made on 23 May 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/K1128/W/17/3168011

Lower Ashridge Farm, Lane From Higher Grove to Lower Ashridge Farm, Harberton TQ9 6EW

- 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 D Rimmer against the decision of South Hams District Council.
 - The application Ref 3040/16/FUL, dated 28 September 2016, was refused by notice dated 23 January 2017.
 - The development proposed is replacement of outbuilding with single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of outbuilding with single dwelling at Lower Ashridge Farm, Lane From Higher Grove to Lower Ashridge Farm, Harberton TQ9 6EW in accordance with the terms of the application, Ref 3040/16/FUL, dated 28 September 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issue

2. The main issues in this case are:
 - whether the site would provide a suitable location for the proposed development, having particular regard to the provisions of local and national planning policies.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

3. The appeal relates to a barn situated within the residential curtilage of Lower Ashridge Farm, a detached property situated within the countryside outside the boundaries of a recognised settlement. It is proposed to demolish the barn and construct a new dwelling in a similar location.
4. Policy CS1 of the South Hams Local Development Framework Core Strategy allows development to take place within a limited number of named settlements. For the purposes of the policy, land outside the boundaries of these settlements is treated as being part of the countryside, where new development is strictly controlled. As the appeal site is situated outside a defined settlement boundary, it is not a location where general housing development would normally be supported by the policy.

5. Policy DP15 of the South Hams Local Development Framework Development Policies Development Plan Document (the DPD) allows some limited forms of development to take place within the countryside. However, this does not include general housing development and so the appeal proposal would be in conflict with this policy. While Policy DP17 of the DPD allows replacement of dwellings in the countryside, this is not directly applicable as the appeal proposal relates to a barn rather than a dwelling.
6. Although these development plan policies are out of date, I nonetheless give them significant weight in this appeal as they are broadly compatible with the aims of the National Planning Policy Framework (the Framework). This includes paragraph 55 which states that isolated homes in the countryside should be avoided, unless there are special circumstances. While there are a few other properties in the vicinity, the proposed dwelling would be isolated in the context of the Framework as it would be situated outside a definable built up area and is remote from shops and services. There is nothing before me to indicate that any of the special circumstances listed in paragraph 55 apply in this particular case. Consequently, it is a location where the Framework indicates that new housing should be avoided.
7. However, my attention has been drawn to an extant permission¹ to convert the barn into a dwelling. I have not been informed of any reasons why this extant permission could not be implemented and therefore consider it highly likely that the barn conversion would proceed in the event of the current appeal being dismissed. It is therefore a material consideration to which I attach substantial weight.
8. It seems to me that the approved barn conversion is also in conflict with the development plan. Although Policy DP16 of the DPD supports the conversion or reuse of buildings in the countryside, this is conditional on priority being given to economic uses ahead of residential use. In this case, there is nothing before me to suggest that economic uses were first discounted before planning permission was granted. Paragraph 55 of the Framework indicates that isolated homes in the countryside may be acceptable where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Whilst the extant permission makes use of a redundant building, it is not entirely clear how it would lead to an enhancement of the setting as described by the Framework.
9. Both the approved barn conversion and the appeal proposal would result in the creation of a new dwelling in a relatively inaccessible location within the countryside, contrary to the development plan. I understand that one factor in the Council's reason for granting permission for the barn conversion is that it would contribute a single dwelling to the local housing supply. Although this is a relevant material consideration, housing supply would be boosted to the same extent if the appeal proposal were to be implemented instead of the extant permission.
10. Ordinarily, a new dwelling in the location proposed may not be appropriate. However, in this particular case I have given substantial weight to the extant permission for a new dwelling in a similar location to the appeal proposal. For the reasons set out above, I have found that the appeal proposal would not

¹ Council Ref: 23/2331/15/F

result in additional harm. This leads me to conclude on this issue that the site would provide a suitable location for the proposed development.

Character and appearance

11. The proposed dwelling would bear little resemblance to the existing barn which it would be replacing. It would occupy a larger footprint and would feature a double garage and a large hipped roof, with additional glazing in the east elevation. The Council argue that any proposal to replace the outbuilding should be more reflective of its existing character. However, while it is suggested that the proposal would conflict with Policy DP1 of the DPD (which aims to ensure high quality design) relatively little evidence has been put forward to further substantiate this point.
12. Even though the proposed dwelling would have a less vernacular appearance than a barn conversion, the appeal site already has a domestic appearance as it is part of the residential garden of Lower Ashridge Farm. There is little before me to indicate that the existing barn is of such architectural merit that it is worthy of preservation in its own right. Furthermore, the site is not particularly exposed within the rural landscape and so the new dwelling would not appear especially conspicuous when seen from distance. Overall, it seems to me that the proposed design and siting of the dwelling would not result in harm. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area.

Conditions

13. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To help protect character and appearance, there is also a condition requiring further details of materials to be approved. I have also imposed a condition requiring further details of landscaping. While I note the appellant's point that the site is already adequately landscaped, the condition ensures this would remain the case following construction of the new dwelling.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

CD Cresswell

INSPECTOR

Schedule of 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: Drawing ACL.1026.002, Drawing ACL.1026.201, Drawing ACL.1026.203, Drawing ACL.1026.001 (Site survey) Drawing ACL.1026.001 (Site location plan)
- 3) No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.
- 4) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.