



Appeal Decision

Site visit made on 27 June 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 28 July 2017

Appeal Ref: APP/J9497/W/17/3169964

**Greenbank, Road from Meldon Road to Weddicott Cross, Chagford,
TQ13 8EJ**

- 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 Peter Goudge against the decision of Dartmoor National Park Authority.
 - The application Ref 0344/16, dated 23 May 2016, was refused by notice dated 11 November 2016.
 - The development proposed is part change of use of agricultural building, to office and workshop use (B1).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted in November 2006 for the erection of an agricultural barn on land to the south of the Greenbank. Following an investigation by the Local Planning Authority, an enforcement notice was issued on the basis that unauthorised development had been carried out. Furthermore, a planning application was submitted in that same year which sought to retain the unauthorised development. These matters were considered under appeal references APP/J9497/C/14/2214194, APP/J9497/C/14/2214196 and APP/J9497/A/14/2222434, where the inspector upheld the enforcement notice and dismissed the planning appeal.
3. The appellant has complied with some of the terms set out in the enforcement notice including the ceasing of residential use and the removal of internal domestic goods, the external staircase and first floor veranda. However, other items including the flue and domestic windows remain.
4. The application seeks consent to utilise part of the building for a mixed use business use with an office and work room above. It would involve, amongst other things, the installation of additional glazing, doors and solar thermal tubes. Retrospective permission is also sought for the remaining external alterations required to be removed by the enforcement notice.
5. The Council is concerned that the alterations would be harmful to the agricultural character of the buildings and that it would, in turn, negatively impact on the surrounding sensitive landscape of the National Park.

6. Accordingly, the main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

7. The appeal site is located almost a mile outside Chagford and situated within the Dartmoor National Park. It consists of a large two storey Edwardian property with extensive gardens and around 10 acres of agricultural land. It also contains a modern timber framed barn of traditional appearance which is generally screened from view by mature trees and hedging.
8. National Parks are afforded some of the highest levels of protection and the National Planning Policy Framework ("the Framework") advises that great weight should be given to conserving their landscape and scenic beauty. The retention of windows, the large external flue and the additional glazing proposed are all domestic in character and at odds with the agricultural appearance of the barn and its rural surroundings. They would erode the agricultural character of the building which would, in turn, impact negatively on the character and appearance of the sensitive surroundings.
9. Although I accept that both the Development Plan and Framework provides support for fostering a prosperous rural economy including through the conversion of existing buildings, the aim of the development plan more generally is to locate development, including employment and commercial activity, within existing local centres and rural settlements. Outside such settlements, a more restrictive approach is taken and development should be necessary to meet the needs of farming, including farm diversification, and other enterprises for which it is essential that they are located in the open countryside, for expansion of small office and home-based enterprises and for existing businesses.
10. The appellant asserts that the scheme would constitute an extension of the existing bed and breakfast business and expansion of an already successful rural workshop business. However, there is little information provided as to how the proposal would link with the existing bed and breakfast use or what support the conversion of this agricultural barn would provide. Similarly, there is limited information as to how established the workshop business is and neither is it clear why it is essential to run courses from this barn in the open countryside and not, for example, in a different, more sustainable location.
11. While I acknowledge that the Town and Country Planning (General Permitted Development) (England) Order 2015 allows changes of use of an agricultural building to a range of flexible uses falling within a variety of use classes, this development right is not permitted if the building has not been solely in agricultural use on a specific date. The Appellant acknowledges that the barn was not in such use and due to its mixed use there is no permitted development fall-back. Furthermore, permitted development rights cannot be claimed retrospectively. Accordingly, I find that the proposed business use has only limited weight.
12. Although I note that there are some modest benefits that would arise from the development, even cumulatively these are small. They are not sufficient to outweigh the harm to the character and appearance of the area which would result. Accordingly, I find that the proposed development would not accord with CS Policies COR1, COR2, COR3, COR4 and COR18 or DMD Policies DMD1a, 1b

and DMD3, DMD5, DMD7 and DMD9 and DMD 35 in so far as they relate to protecting the scenic beauty and landscape of Dartmoor.

Other Matters

13. The appellant has suggested that the proposal should be seen as a form of farm diversification. However, limited information has been provided on the core farming activity, its extent or its relationship with the proposed use. Accordingly, I cannot be satisfied that the proposal would fall within such a definition.
14. I note that the appellant has raised a number of concerns regarding discrepancies in the officer's report and the manner in which the Council has dealt with the application. However, there is no robust evidence before me which would lead me to conclude that the Council have acted unreasonably in its determination of the application. In any event, even if I were to conclude otherwise, reasonableness is a matter than is more appropriately considered under the costs regime and would not be sufficient to overcome the policy objections identified above.

Conclusion

15. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR