



Appeal Decision

Site visit made on 26 March 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/X1118/W/18/3217926

The Red Bunker, Sandhills, Instow EX39 4LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Jill Skidmore C/O William Martin against the decision of North Devon Council.
 - The application Ref 64838, dated 26 March 2018, was refused by notice dated 03 July 2018.
 - The development proposed is the conversion of bunker to a two storey residential holiday let.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, the site address in the header above is taken from the Decision Notice and the Appeal Form which I consider more accurately reflects the location of the appeal proposal. On a similar basis, I have used the description of the development from the Decision Notice and the Appeal Form which I consider more accurately reflects the appeal proposal.
3. Since the determination of the planning application the subject of this appeal the North Devon and Torridge Local Plan (The NDTLP) has been adopted in October 2018. The relevant policies of the NDTLP are in the opinion of the Council those referenced in the reasons for refusal as 'emerging' policies. Copies of the relevant policies from the NDTLP have been provided with the questionnaire papers by the Council, and as a result the parties have had the opportunity to comment on the relevance of the newly adopted policies to the current appeal. I have therefore determined this appeal in accordance with the NDTLP.

Background

4. The appeal site concerns a former Second World War generator store (the Red Bunker) which was associated with an Assault Training Centre for Operation Overlord, established by the US Army which covered a large area of the North Devon coast, where military landings were practiced towards the end of the Second World War. Planning permission is in place¹ (the 2018 approval) to

¹ Decision Ref: 63926 for the 'proposed conversion of bunker to holiday let' granted conditional planning permission on 19 January 2018.

convert the building into a residential unit, which contains a holiday use only condition.

5. The Red Bunker was assessed by Historic England for listing during the processing of the 2018 approval. Their Rejection at Initial Assessment Report (the RIAR) dated 22 November 2017 has been provided to me by the appellant. The RIAR identifies that the Red Bunker has no special architectural interest or forms part of a significant group with other related historic buildings. The building is nonetheless reflective of the Allied forces preparations for Operation Overlord in the Second World War, but as a considerable number of similar structures survive this fact alone is not sufficient to meet the strict criteria for listing. The Report concludes that the structure may be of some local interest, but it does not have sufficient architectural or historic interest to merit listing in a national context.

Main Issues

6. The main issues in this case are the effects of the proposal on:
 - the character and appearance of the area;
 - designated heritage assets; and
 - the living conditions of existing occupiers.

Reasons

Character and appearance

7. The Red Bunker represents a modest utilitarian building and its historical use and association with the Second World War is at present retained and evident.
8. Policy DM27 of the NDTLP supports the conversion of redundant and disused rural buildings where, amongst other things: such conversion would not harm any intrinsic qualities and historic interest of the building; the proposal will have a positive impact on the immediate setting of the building and the wider rural character is protected; and development can be achieved without significant external alteration, extension or substantive rebuilding.
9. The nature of the conversion works through the 2018 approval would to my mind, represent a sympathetic re-use of the Red Bunker that would facilitate its retention alongside preserving its local historic character and appearance.
10. The appeal proposal would involve an increase in the height of the building to provide for an upper floor level. This would be executed through a pitched roof extension with a flat roofed dormer style opening fronting towards the coast. The extension would be primarily faced with a charcoal grey zinc finish.
11. I have had regard to the conclusions in the RIAR. The RIAR states that whilst the historic interest of the Red Bunker 'is not sufficient to meet the strict criteria for listing', nonetheless the structure may be of some local interest. From my review of the information before me and all that I saw on my site visit, I agree, I consider that the Red Bunker is of a local historic interest.
12. The resultant massing increase that would arise from the proposal would significantly alter and as consequence erode the simple and modest functional characteristics of the Red Bunker. Such a physical change, coupled with the

proposed use of materials would represent a stark and discordant addition that would constitute a significant external alteration and extension which would result in harm to the intrinsic qualities and local historic interest of the building.

13. This adverse effect would be compounded by the modest scale of the surrounding built form, the open and exposed location of the building and its visibility from a number of public rights of way and bridleways in the area. As a result, the proposal would harm the immediate setting of the building and the wider rural character.
14. To conclude on this main issue, the proposal would harm the character and appearance of the existing building and the wider area. It would conflict with Policy DM27 of the NDTLP for the reasons outlined above. It would additionally conflict with Policy DM04 of the NDTLP and Sections 12 and 15 of the Framework which amongst other matters, seek development that: reinforces the key characteristics and special qualities of the area in which the development is proposed; contributes positively to local distinctiveness, the historic environment and sense of place; and protects and enhances local landscape character.

Designated heritage assets

15. Through section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, for development which affects a listed building or its setting, I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
16. Whilst I note that the RIAR states the Red Bunker does not form part of a significant group with other related historic buildings, nevertheless I consider that it does fall within the setting of the nearby Grade II Listed Cricket Pavilion and score box, including adjacent former pillbox². Both main parties agree that the harm that would result from the proposal on the setting of this designated heritage asset would be less than substantial. I agree, the less than substantial harm that would arise, would be as a result of the increase in height and design of the proposals.
17. Paragraph 196 of the Framework states that where a development would 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.
18. The public benefits arising from the proposal outlined by the appellant, including those relating to supporting the local economy, providing short-term employment through the construction work and enhancing the vitality and viability of local shops and services, would by virtue of the fact that the proposal relates to a single holiday let, be limited. These benefits do not outweigh the harm of the proposal that I have identified to the significance of the Grade II Listed Cricket Pavilion and score box, including adjacent former pillbox, as a designated heritage asset.
19. I therefore conclude that the proposal would conflict with Policy ST15 of the NDTLP and Section 16 of the Framework, which amongst other matters, requires that great weight will be given to the desirability of preserving and enhancing the historic environment by: conserving the historic dimension of

² List Entry Number: 1163454

the landscape; and conserving cultural, built, historic and archaeological features of national and local importance and their settings, including those that are not formally designated.

Living conditions

20. The appeal proposal would result in an increase in the height of the existing building which is located near to existing residential uses in single storey chalets. However, the effect of the proposed height increase on these properties, in terms of loss of light or an overbearing effect, would be mitigated as a result of the form of the roofline angling away. Furthermore, there are no openings directly facing in the direction of the chalets other than windows at ground floor level, these are separated from the closest chalets by an intervening public right of way.
21. Reference has also been made to the potential for overlooking and an overbearing effect on the living conditions of nearby properties that would result from a proposed rooflight on the north elevation of the proposal. However, the size of the window and its angle would not to my mind result in such an adverse effect. Nonetheless, such a matter could be addressed through an obscure glazing condition if considered necessary.
22. As a result, I do not consider that the proposal would unduly harm the living conditions of existing occupiers and as a result, the proposal would align with Policy DM01 and DM04 of the NDTLP and paragraph 127 f) of the Framework which support development that would not significantly harm the amenities of any neighbouring occupiers or uses.

Other Matters

23. The final grounds of refusal made reference to a conflict with the then paragraph 55 of the National Planning Policy Framework 2012 and a now superseded Policy ENV1 from the North Devon Local Plan 2006. The general thrust of these concerns being that the proposal, would by default conflict with these policies as it would not enhance its immediate setting. The revised Framework, through paragraph 79 has similar wording to the former paragraph 55 and avoids the development of isolated homes in the countryside unless they, amongst other matters, re-use redundant or disused buildings and enhance its immediate setting. However, I am not convinced that the site can be termed as isolated in this regard, due to its close proximity to a number of other buildings. Therefore, I do not consider paragraph 79 is of relevance to the proposal and as Policy ENV1 is now no longer in place, I am satisfied that the proposal is acceptable on this particular matter.
24. The final grounds for refusal additionally made reference to a conflict with the then emerging Policy ST09 of the NDTLP. However, in their Statement of Case, the Council have not made reference to their objection to the development on these grounds. On the basis of the information before me and following my review of the adopted Policy ST09, I do not find conflict with the proposal on this issue also.
25. I have had regard to a number of other matters which have been brought to my attention through the appeal submissions, such as those relating to drainage and the decisions on other developments in the locality. Whilst I have given the points raised careful consideration, they do not materially change my

overriding conclusions on the appeal proposal in line with the development plan and material planning considerations.

Conclusion

26. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

J Evans

INSPECTOR