



Appeal Decision

Site visit made on 20 May 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/J9497/W/19/3223934

Manor Mill, Exeter Road, South Brent TQ10 9JD

- 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 R Tombs of Packfirst Removals Ltd against the decision of Dartmoor National Park Authority.
 - The application Ref 0380/18, dated 22 June 2018, was refused by notice dated 11 September 2018.
 - The development proposed was described as: retention of existing commercial building at River View in Use Classes B1 and B8 together with change of use and conversion of Mill House from B1 office use into three dwellings (one affordable).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application included one affordable unit. However, this was subsequently removed and the Authority validated a revised application for three open market houses on 24 July 2018. The scheme was determined on the basis of the revised application and I have determined the appeal in the same way.
3. The description of the scheme included 'the retention of an existing commercial building at River View in Use Classes B1 and B8'. However, retention is not an act of development and the Authority confirmed that this is the building's current lawful use. It is therefore not necessary for me to address this matter in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the supply of employment sites;
 - the effect of the proposed development on the non-designated heritage asset; and
 - whether the proposed development should provide affordable housing.

Reasons

Supply of employment sites

5. The appeal site is located on the edge of South Brent off the Exeter Road and forms part of a small cluster of commercial premises known as Manor Mills. An adjacent removals/storage business which forms part of the appellant's business, Packfirst Removals Ltd, is accessed via the appeal site. Mill House is a vacant building, previously used as offices, which is currently being used for general storage.
6. Policy COR18 of the Dartmoor National Park Authority (DNPA) Local Development Framework Core Strategy Development Plan Document (2008) (the Core Strategy) seeks to support local employment and business opportunities by retaining existing employment sites and premises. Proposals for the redevelopment of such sites for non-employment uses will be carefully assessed to ensure that the needs of business and industry in the National Park would not be harmed by such a change of use. The National Planning Policy Framework (the Framework) seeks to support economic growth and productivity, including in rural areas.
7. The proposed development would convert Mill House from a B1 use to three residential dwellings and would result in the permanent loss of the building for commercial purposes. The site is located in a Local Centre where the policy seeks to retain such buildings in commercial use.
8. The appeal building has been vacant since approximately 2012. It was evident from my site visit that the building has been subject to some internal works as there appear to be recently added staircases and areas of flooring. However, there are extensive areas of exposed walls and floors and few fixtures and fittings.
9. There is conflicting evidence about whether or not there is a need for the type of commercial accommodation that this building could provide. However, significant works would be likely to be required to make it attractive and/or capable of meeting modern standards. There is no evidence before me to suggest that such a refurbishment would be non-viable, or that the site has been marketed for commercial purposes. In the absence of firm evidence that there is no demand for these premises for commercial purposes, I find no reason to justify the loss of the employment use.
10. I therefore conclude that the proposed development would result in an unacceptable loss in the supply of employment premises. It therefore would conflict with Policies COR1, COR2 and COR18 of the Core Strategy and Policy DMD1b of the DNPA Development Management and Delivery Development Plan Document 2008 (the DMD) which together seek to provide sustainable development that supports local business needs and fosters the economic well-being of communities in the National Park. It would also conflict with the objectives of the Framework to support a prosperous rural economy.

Non-designated heritage asset

11. The evidence indicates that the mill on this site had its origins in the 13th century. However, it appears the current building dates from the 19th century, when the mill changed from corn to a flock mill. The Authority consider it to be a non-designated heritage asset.

12. The appellant has provided a Statement of Heritage Significance (the Statement). This provides limited information about either the significance of the building or the impact of the proposed alterations although it does indicate that parts of the mill were destroyed during the early 20th century and rebuilt following a fire and that the original mill wheel was lost at that time.
13. From my own observations on site, much of the interior of the building appears to have been altered in order to accommodate its previous use for commercial purposes where staircases, partitions and new floors have been installed. I therefore consider that the heritage value of the building is derived from its exterior and especially, the simple form of the building, the large window openings, its construction out of local stone and its setting with a large yard and close to a watercourse which reflect its original use as a mill.
14. The building would be altered internally to create three separate dwellings. Externally, the existing windows and doors would be replaced, one additional window would be created and new rooflights would be installed. Other alterations would be made to the driveway and outside space to create gardens and parking spaces for the new houses.
15. The existing lawful use of the building as an office building has a limited relationship with the previous use of the building as a mill other than being a commercial activity. The conversion to a residential use, would change the character and the setting of this building, with the most significant and visible change arising from the introduction of areas of lawn and allocated parking. These would result in a more domestic character to the building. There would be some limited harm to the heritage asset arising from this.
16. The existing windows and doors are modern and of no architectural merit or heritage value. The replacement windows and doors would be an improvement on these. However, I note the Authority has raised a concern that they would not be of an appropriate design for this type of building. Nevertheless, I am satisfied that it would be possible to secure appropriately designed doors and windows through the imposition of an appropriate condition, had the appeal been found acceptable in all other respects.
17. The additional window and rooflights would be positioned away from the main elevation, and in the case of the rooflights, flush with the existing pitch of the roof. They would therefore preserve the overall shape of the building, would be unobtrusive and would have a very limited impact on the overall character and appearance of the building.
18. Paragraph 197 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required have regard to the scale of any harm or loss and the significance of the heritage asset.
19. The proposal would result in some limited harm to the significance of the non-designated heritage asset as a result of the introduction of residential features in the form of garden lawns which would change the setting of this building. However, I have also had regard to the limited extent of other alterations to the exterior of this building and that the building would still largely retain its current appearance and those existing features that identify its original use.

On balance, I consider that the scale of harm would not be so great that the significance of the non-designated heritage asset would be unacceptably harmed through the conversion of the building to residential use.

20. I therefore conclude that the proposed development would not harm the significance of the heritage asset. It would therefore comply with Policies COR1, COR3 and COR4 of the Core Strategy and Policies DMD1b and DMD8 of the DMD which together seek to ensure development conserves important historic features and the distinctiveness of the built environment and does not harm heritage assets. It would also accord with the heritage objectives of the Framework and the Dartmoor National Park Design Guide. While Policy COR2 of the Core Strategy was also referred to by the Authority in regard to this matter, no apparent conflict would arise. This is because the policy does not refer to design or heritage matters.

Affordable housing

21. South Brent is identified as a Local Centre, where, under the terms of Policies COR15 of the Core Strategy and DMD21 of the DMD, new residential development can be supported when it provides affordable housing which meets an identified local need. The policies set out the requirement to provide 50% affordable housing in developments in these locations.
22. Paragraph 63 of the Framework states that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. In these areas, which include Dartmoor National Park, a threshold of five units or fewer may be set. Policies COR15 and DMD21 predate the Framework and consequently, insofar as they do not set a threshold, they are inconsistent with the Framework.
23. I have been referred to two recent appeal decisions¹ within the DNPA where the question of the need to provide affordable housing has arisen. Although my colleagues each reached different conclusions on the need to provide affordable housing in these appeals, this was based on the evidence before them in making their decisions.
24. In this case, the Authority has referred me to a housing needs survey in the Parish of South Brent (2014) (the HNS) which set out a need for 45 rented homes and 5 shared ownership homes in the Parish over the next 5 years. I note the Authority's reference to 14 affordable home completions during the period and its assessment of current need, 33 rented homes and 6 shared ownership homes. However, I have not been provided with supporting evidence for these figures. Furthermore, given that the HNS was produced over 5 years ago, it cannot be held to provide a reliable or up to date indication of current local need.
25. The advice in paragraph 213 of the Framework states that due weight should be given to policies according to their degree of consistency with the Framework. In this case, the evidence before me to demonstrate the need for the development to provide affordable housing does not indicate that greater weight should be accorded to Policies COR15 and DMD21 than to national policy set out within Paragraph 63 of the Framework.

¹ APP/J9497/W/18/3213287 and APP/J9497/W/18/3216692

26. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, I therefore find that whilst the lack of affordable housing provision would conflict with the Policy COR15 of the Core Strategy, Policy DMD21 of the DMD, it would not conflict with current national policy set out within the Framework. I have given greater weight to the Framework for the reasons set out above, I therefore conclude that it is unnecessary for the proposed development to provide affordable housing. The Authority referred to Policy COR2 of the Core Strategy in regard to this matter, however I have found no apparent conflict would arise. This is because the policy indicates that the location is suitable for development, and the development would serve a general need for additional housing.

Other matters

27. The parties dispute the viability assessment of the scheme with regard to the provision of affordable housing. I have also been referred to the Vacant Building Credit. However, on account of my findings above, these are not matters I need to address further.
28. The decision notice makes reference to the English National Parks and the Broads UK Government Vision and Circular 2010. This seeks to foster and maintain thriving rural economies within the National Park and is broadly consistent with the Framework. However, the Circular also raises an expectation that new housing should be focussed on meeting affordable housing requirements. This broad recommendation however predates national policy set out in the Framework, which, with reference to thresholds it sets, clearly provides scope for market housing within National Parks.
29. As the site is located within the Dartmoor National Park, I have had regard to the statutory purposes of the designation, and advice within paragraph 172 of the Framework to give great weight to the conservation and enhancement of landscape and scenic beauty. As the site is well contained with a cluster of existing building and with limited external alterations, it would have no obvious effect on either the landscape or scenic beauty of the National Park.

Planning Balance and Conclusion

30. The Government is seeking to significantly boost the supply of housing and the benefits of providing additional homes would be positive aspects of the scheme. The proposal would also not result in unacceptable harm to the significance of the non-designated heritage asset. However, I have found that it would conflict with the Council's policies to protect employment sites and insufficient evidence has been provided to justify a change of use of the building. As a result the scheme would be in conflict with the development plan. I attach significant weight to this finding which is not altered or outweighed by my conclusions on the other issues. I therefore conclude that the appeal should be dismissed.

Rachael Pipkin

Inspector