



Appeal Decision

Site visit made on 8 July 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/J9497/W/19/3225348

22 Mill Street, Chagford TQ13 8AW

- 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 P Biggin against the decision of Dartmoor National Park Authority.
 - The application Ref 0405/18, dated 20 June 2018, was refused by notice dated 24 September 2018.
 - The development proposed is change of use of ground floor restaurant and associated accommodation to a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, a revised plan was submitted showing two pitched roof dormers in place of two rooflights in the principal elevation. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles - including whether the amendments would materially alter the nature of the application and whether anyone would be deprived of the opportunity to comment on the revised plans. As the plan details minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plan submitted as part of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the number and range of employment premises in the area; and
 - the effect of the proposal on the character and appearance of the Chagford Conservation Area and wider Dartmoor National Park.

Reasons

Employment premises

4. The proposal is to convert a restaurant which lies on the outskirts of the centre of Chagford to a dwelling. A residential apartment already occupies the first

¹ Wheatcroft Ltd V SSE [1982]

- and second floors of the building and both it and the restaurant are accessed via the same entrance from Mill Street.
5. Dartmoor National Park Authority Core Strategy (2008) (Core Strategy) Policy COR2 sets out the need to ensure a range of local services are maintained and where possible enhanced in defined Local Centres, including Chagford. Core Strategy Policy COR1 and DMD² Policy DMD1b are also referenced in the reason for refusal and are more generalised about the need to support the social and economic well being of the National Park. DMD Policy DMD19 does not guard against the loss of A3/A5 Use Classes and so is not relevant in this case.
 6. Core Strategy Policy COR18 states that the presumption will be that existing employment sites and premises will be retained for economic uses and proposals for the redevelopment of existing employment sites and premises 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.
 7. The appellant indicates that the existing use of the building as a restaurant and take away is not considered to be essential to the vitality of the local community. I agree that there are a number of other cafes and public houses that serve food in Chagford although the restaurant/takeaway appears to be one of a more limited number of establishments in Chagford that serve food in the evenings.
 8. Given the small scale of the settlement of Chagford and its location relative to a number of other food and drink establishments, whilst it is outside of the commercial heart of the settlement, I do not consider that the appeal site is so distant from The Square and other similar uses so as to be unsuited to a commercial use.
 9. The appellant indicates that there are hundreds of restaurants throughout the national park and that the loss of the restaurant will not have an adverse impact. I agree that relative to the scale of the national park, the loss of one restaurant is likely to be of limited consequence, particularly as it is likely to close imminently anyway. However, there is limited evidence to justify the loss of the premises as a potential source of employment. The major losses that the restaurateur may have experienced have not been documented and from the evidence it does not appear that potential letting opportunities for alternative commercial purposes have been explored. As the policy indicates that there is a presumption against a loss of employment premises and that proposals involving such losses will be considered carefully, the appeal evidence does little to justify the change of use to residential purposes.
 10. Consequently, in the absence of evidence to the contrary, the proposal conflicts with, in particular, Policy COR18 of the Core Strategy.

Character and appearance

11. The appeal building lies within Chagford Conservation Area (CA). I am required under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The site also falls within Dartmoor National Park which is afforded the highest status of

² Dartmoor National Park Authority Development Management and Delivery Development Plan Document (2013)

protection in respect of the conservation and enhancement of its landscape and scenic beauty under the provisions of the Framework.

12. The CA is characterised by its distinct three historical centres which have grown and merged together to form a single large entity. The pockets of the oldest buildings at each of the centres with the newest buildings at the edges has formed a distinctive settlement pattern with a variety of architectural styles and by scattered groupings of buildings of similar type or period. The earliest part of the settlement is around The Square. Mill Street is recognised in the Chagford Conservation Area Character Appraisal (Character Appraisal) as a street containing a number of more substantial and elegant two storey houses of early to mid 19th century with tall, multi-paned, sash windows and dormer windows.
13. 22 Mill Street is identified in the Character Appraisal as a historic building of high quality. The Character Appraisal indicates that buildings with traditional shopfronts also make a contribution to the character of the area. The appeal building has a restrained, yet largely unaltered traditional shopfront.
14. Both the second and third reasons for refusal relate to an extension to the building. There is a residential apartment which currently takes up the first and second floor of the premises. Notwithstanding that the proposal would involve the removal of a shopfront and also the insertion of dormer windows to improve the second floor accommodation that already exists, the proposal does not involve additional extensions to the building and the proposal to subsume the ground floor of the building to form part of a single, larger dwelling could more aptly be described as an alteration.
15. Policy DMD24 seeks to limit the increase of habitable floorspace created through extending or altering a dwelling to 30% in order to maintain the appearance of dwellings, although there is an exception made in the event that 'clear design considerations' indicate otherwise. In this case, the proposal would involve subsuming existing parts of the building to form a single dwelling, providing more generously proportioned shared living and kitchen spaces. In this case, there is a clear design rationale for utilising all parts of the building to form part of the habitable accommodation. There would be little achieved by omitting parts of the building specifically to limit the increased amount of habitable floorspace to 30%. The internal environment created through the alterations proposed would be adequate for future occupiers.
16. The Council indicate that the proposal would result in an uncharacteristically large dwelling in the centre of Chagford where there is a demand for affordable housing. The existing dwelling is not limited as an affordable unit and nor is the intention to create a net additional dwelling. Irrespective of the increase in habitable accommodation, the proposal would not help to meet the local demand for affordable housing in any case. As such, whilst the aspiration to maintain the affordability of dwellings is commendable, subsuming the ground floor to form part of a single large dwelling would be the most practical way in which to implement a change of use to a dwelling. This is a clear design consideration that indicates that a 30% increase limit that could not be observed in this case.
17. In terms of the effect of the alterations on the CA, the building forms part of a terrace in which there are a number of other similar dwellings with pitched dormer windows and sash windows in the front elevation. The new windows,

both dormer and sash windows at ground floor level, would be in proportion and would reflect those found within the building and elsewhere along the street. Given the slightly more peripheral location of the appeal building, the character of the CA does not rely on its shopfront elevation to maintain the cohesion and quality of the streetscene or commercial centre. Rather, the works proposed would be sensitive to the character of the building and the wider CA. By extension, the proposal would also maintain the appearance of the wider Dartmoor National Park.

18. In view of this main issue, the proposal would preserve the character and the appearance of Chagford Conservation Area and wider Dartmoor National Park. It would therefore accord with, in particular, policies COR1, COR3 and COR4 of the Core Strategy and policies DMD1b, DMD3, DMD7, DMD12 and DMD24 of the DMD, which collectively seek to sustain the quality of places in Dartmoor National Park and ensure that extensions or alterations within a conservation area preserve or enhance the character or appearance of that area.

Conclusion

19. The proposal would preserve the character and the appearance of the Conservation Area and wider Dartmoor National Park. However, it would also result in the loss of an employment premises without adequate justification. The proposal would therefore conflict with the Development Plan as a whole and the reasons given for the appeal do not amount to material considerations of sufficient weight to outweigh this conflict.
20. For the reasons given, the appeal is dismissed.

Hollie Nicholls

INSPECTOR