



Appeal Decision

Hearing Held on 24 July 2019

Site visit made on 24 July 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/J9497/W/18/3217061

Eggworthy Farm, Sampford Spiney, Yelverton, Devon PL20 6LJ

- 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 Mr B Landick against the decision of Dartmoor National Park Authority.
 - The application Ref 0592/17, dated 27 November 2017, was refused by notice dated 18 June 2018.
 - The development proposed is erection of an agricultural worker's dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural worker's dwelling at Eggworthy Farm, Sampford Spiney, Yelverton, Devon PL20 6LJ in accordance with the terms of the application, Ref 0592/17, dated 27 November 2017, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural matter

2. The application is for outline planning permission. Approval is sought for access and scale at this stage. Indicative plans have been provided that I have treated as illustrative, except for the point of access and the indication that the dwelling would have an internal floor area of 90 square metres not including farm office use area.

Main Issue

3. The main issue is whether the need for an additional agricultural worker's dwelling can be met through the conversion of another building on the holding.

Reasons

4. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. The Policies of the Dartmoor National Park Authority Core Strategy Development Plan Document 2008 (CS) and Dartmoor National Park Authority Development Management and Delivery Development Plan Document 2013 (DMD) are designed to support these purposes, exercising strict control over development.

5. CS Policy COR1 seeks to ensure that development within the National Park is undertaken in a sustainable manner, including through making efficient use of land. CS Policy COR2, supported by CS Policy COR15 set out a spatial development strategy for the National Park, identifying appropriate locations for development and clarifying that in locations outside certain settlements, such as the appeal site, housing development will be restricted to that serving the proven needs of agriculture and forestry, other essential rural businesses, or through the appropriate conversion of rural buildings to meet identified local needs for affordable housing.
6. DMD Policy DMD23 sets further criteria for new housing development outside the defined settlements. In particular, the policy requires that there is no satisfactory existing building that could be converted to provide the accommodation. There is no dispute that the other criteria of the policy are met.
7. Eggworthy Farm has a number of, predominantly modern, farm buildings arranged around two yards. At the lower yard, there is also more historic stone building arranged over two floors. The Authority contends that this building could be converted to provide the required accommodation with minimal effect on the historic building fabric.
8. The building is put to various uses throughout the year. The uses are not exclusively agricultural, with some stored domestic items as well as items used periodically for charity events. At the time of my site visit, some wool was stored on the upper floor. A secure area used at times for storing chemicals was empty and overall, the building did not appear to be being intensively used for agricultural activities. The other buildings around the lower yard are also used for a variety of purposes including storage of farm machinery and equipment, and a workshop. Cut timber is also stored for use in heating the farmhouse.
9. If the building were to be converted, I attach little weight to the need to find replacement storage for the domestic items. However, replacement dry storage would have to be provided for items such as the wool and a new chemical store would be required. Whilst this may be achievable through alterations to the existing buildings, that would also displace other uses for which new locations would have to be found.
10. There are a number of buildings around the upper yard that adjoin the suggested converted barn. There is some dispute over the use of the largest of these, which appears to be used variously for storage of hay and at times for livestock housing. However, regardless of this, at the hearing, the Authority accepted that there would have to be some change to the use of these buildings, so new locations for those displaced activities would be required.
11. The building that the Authority has proposed for conversion may not be heavily used, but there is no doubt in my mind that it is a fundamental part of the overall agricultural activities. It may well be that space could be found to rehouse the agricultural items currently stored in the building. However, this would likely displace certain other items in the process. There is also the conflict with the current uses of the adjoining buildings in the upper yard and the subsequent displacement of these activities.

12. If the barn were to be converted to a dwelling, it may well be that solutions can be found for each change that would be required. However, overall, this would involve significant changes and a re-planning of activities across the farm as a whole, and the way that it currently operates.
13. Some element of new buildings would likely be required and, whilst these may be less damaging to the landscape and scenic beauty of the park than new dwellings with associated formal gardens and domestic paraphernalia, there is no dispute that the dwelling proposed would not cause harm in this regard. I, therefore, attach limited weight to these visual and landscape matters.
14. Furthermore, there are clearly traffic movements in and around the lower yard. Based on the appellant's comments about frequency of use at the hearing, I am not convinced that this occurs continuously throughout the day. Even so, stepping out of a dwelling in this location into a working yard that is also open to the main access through the farm could be unsafe, especially for any young children. The construction of a wall, or similar, to the front of the barn could mitigate against this by providing a defensible area and, whilst such could hamper the manoeuvrability of vehicles around the yard there is no compelling evidence that it would render the yard unusable.
15. However, a dwelling within a converted building would not have any adjoining usable outdoor space for future residents. The Authority suggest that such provision could be made through the subdivision of the existing garden for the farm house on the opposite side of the main farm access track. I understand that there are numerous examples of detached gardens within the National Park and it is likely that any privacy concerns between the two properties and gardens could be addressed through suitable boundary treatment.
16. Whilst egress from the dwelling could be protected by a wall, and a gate could prevent accidental egress onto the track, use of the garden would still necessitate crossing the working farmyard. Such would likely occur with far greater regularity than is currently the case for occupants of the existing house accessing the various stored domestic items and their cars, especially if children were resident in the building, for whom the arrangement could be particularly unsafe. Therefore, I find that this arrangement would not provide satisfactory living conditions for future residents.
17. Whilst it is not unusual for a farmhouse to be located very close to agricultural activities, for the reasons given above, I find that the barn suggested by the Authority for conversion would not provide a suitable living environment and would have a significant impact on the farm operation. It would, therefore, not be a satisfactory existing building within the terms of DMD Policy DMD23 and the need cannot be met by the conversion of another building on the holding.
18. Accordingly, the provision of a new dwelling would present no conflict with Policy DMD23. It follows that the dwelling would be an appropriate form of housing in the National Park, so there would similarly be no conflict with CS Policies COR1, COR2 or COR15. This indicates that permission should be granted.

Conditions

19. The Authority suggested an approval of reserved matters condition that sought approval of various matters beyond those defined reserved matters. At the

hearing, it was agreed that the condition could be limited to the defined reserved matters and, if necessary other conditions could seek approval of the other items. Of these, it was not disputed that boundary treatments were a part of landscaping, and floor levels were a part of appearance, so they do not require separate conditions. In order to prevent any increase in off-site flood risk and ensure that foul water is adequately disposed of, drainage should be covered by a separate condition. However, the Authority confirmed that there was no particular need to control lighting in this case, so I have not imposed a condition covering this.

20. A new dwelling is only acceptable in this location because it would serve an agricultural need and so an agricultural occupancy condition is necessary. To ensure the dwelling remains an appropriate size for an agricultural worker, permitted development (PD) rights should be removed preventing any increase in floor space.
21. The Authority's suggested condition relating to PD rights went beyond size to include various matters such as alterations to windows and doors, hard surfaces, and external materials. However, at the hearing it was noted that there were already greater permitted development restrictions in National Parks concerning certain matters of appearance. I find no compelling reason to impose greater control over these matters that already set out in the Town and Country Planning (General Permitted Development) Order 2015.
22. The Authority also suggested a condition limiting the floor area of the dwelling. However, scale is being approved at this stage and the proposed floor area is indicated on the plans. Accordingly, a further condition is not necessary.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

M Bale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Rowan DipTP MRTPI
Mark Bunt BSc MRICS FAAV
Mr Landick
Mrs Landick

FOR THE LOCAL PLANNING AUTHORITY:

Louise Barattini MRTPI (Planning Officer)
James Clack BSc (Hons) MRICS FAAV of NPS Southwest Ltd (Agricultural Adviser)

INTERESTED PERSONS:

Cllr Diana Moyse

DOCUMENTS SUBMITTED AT THE HEARING

- 1 5 photographs of various buildings at different times of year

SCHEDULE

- 1) Details of the appearance, landscaping and layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development hereby permitted, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.
- 5) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no extension, building, enclosure, structure, erection, swimming or other pool shall be constructed or erected in or around the curtilage of the dwelling hereby permitted.