



Appeal Decision

Site visit made on 9 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/J9497/W/19/3226423

Ashmill Farm, Road from Whitchurch to Park House, Grenofen PL19 9EW

- 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 Phillips against the decision of Dartmoor National Park Authority.
 - The application Ref 0204/18, dated 10 April 2018, was refused by notice dated 11 October 2018.
 - The development proposed is the change of use of barn to dwelling.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr R Phillips against Dartmoor National Park Authority. This application is the subject of a separate decision.

Procedural Matter

3. The proposal seeks to convert the barn into a dwelling that would be available on the open market. During the period that the Authority made its assessment, an alternative scheme for conversion of the barn into two units, with either one or both being affordable, was explored by the main parties. Elevational drawings and additional viability information relating to this matter was submitted by the appellant with the appeal. As the drawings were provided on an illustrative basis, and as the Authority had the opportunity to comment on the evidence during the appeal, I had regard to this information in reaching my decision.

Main Issue

4. The main issue is whether the proposal would be an appropriate form of residential development, having regard to local and national planning policy for the delivery of housing.

Reasons

5. The appeal relates to a barn within the grouping of agricultural buildings at Ashmill, which is located within the countryside approximately 620m to the south of Whitchurch and the town of Tavistock. The barn is not a designated heritage asset but appears on 1884 mapping and was restored in 2005 pursuant to the Environmentally Sensitive Areas scheme.
6. Policy COR15 of the Core Strategy 2006-2026 DPD (adopted 2006) (CS) seeks to deliver housing within or adjoining defined settlements, the majority of which is required to be affordable. In the countryside, housing is restricted to

essential rural worker or affordable housing to meet an identified local need. As the barn conversion would provide an open market dwelling without any basis of identified local need, it would not meet any of these limited exceptions and would therefore conflict with Policy COR15.

7. Policy COR2 also seeks to prioritise housing in settlements. Housing in the countryside is restricted to that meeting one of a number of criteria. The relevant criterion in this case is when the scheme will reuse a building that positively contributes to the National Park, and which is at risk, requiring redevelopment to be sustained. The building was relatively recently comprehensively restored to a high standard, and this indicates to me that it is not currently at risk. As a result, the scheme would conflict with Policy COR2.
8. Policies DMD9 and DMD23 of the Development Management and Delivery Development Plan Document (adopted 2014) (DMD) focus on housing in the countryside, with particular regard to the conversion of rural buildings. While I accept that the barn is a traditional building under the terms of these policies and could be converted without substantial work, the policies require the conversion to provide business, tourism or community use as a first preference. It is necessary to demonstrate that such uses would not be feasible or viable before accommodation for rural workers or affordable housing will be considered as a possible alternative use.
9. Although the appellant has explored commercial options for the building in the past, the market potential for business use has not been substantively tested. The availability of vacant units and the allocation of employment land elsewhere is not necessarily indicative of an absence of demand. Given the proximity of the site to the populations of Tavistock and Grenofen, I am not persuaded that there is no feasible appetite for community use of the barn.
10. Beyond identification of the high frequency of tourism facilities in the area, there is no evidence that the holiday market is saturated and would not benefit from an additional enterprise. While I note the limitations of the site access, the Highway Authority's opinion that a commercial use would be consequently unacceptable is over a decade old and predates significant changes in policy. As such, there is no substantive basis upon which to conclude that the requirements of Policy DMD9, and by extension Policy DMD23, would be met.
11. The appellant considers that the development plan's approach differs from the National Planning Policy Framework (the Framework). With regard to affordable housing, although the development plan pre-exists the thresholds set out in the latest Framework, Paragraph 63 goes on to state that in designated rural areas, such as Dartmoor National Park, affordable housing can be requested on schemes of five units or fewer.
12. Paragraph 79 advises that isolated homes in the countryside should be avoided unless one of a series of specific circumstances apply, such as the re-use of a disused building. This is consistent with the development plan's approach of directing housing to Dartmoor's settlements. In such cases schemes are required to enhance the subject building's setting. Given the absence of proposed landscaping or site works, it has not been demonstrated that this would be achieved. As alternative uses have not been fully explored, I cannot conclude that a residential conversion represents the barn's optimal viable use. Although Paragraph 79 does not specify tenure, Paragraph 77 advises that in rural areas decisions should respond to local circumstances and support

housing developments that reflect local needs. It is not disputed by the parties that there is a demonstrable affordable housing need in the area.

13. The Framework also seeks to sustain a prosperous rural economy. Paragraph 83 states that decisions should support the development of local services and community facilities, enable sustainable rural tourism and the growth and expansion of all types of business in rural areas. This includes through the conversion of existing buildings. As such, I find that the development plan's approach to business/tourism use and affordable housing is broadly consistent with the Framework.
14. The appellant asserts that on-site affordable housing cannot viably be provided in any circumstance. The development plan policies offer no flexibility in relation to the viability of the conversion of rural buildings in the countryside¹. However, the Affordable Housing Supplementary Planning Document (the SPD) indicates that there may be circumstances, in a very limited number of cases, where a contribution towards off-site provision may be acceptable. In doing so, it sets, at section 4.7, a closed list of criteria, one of which must be met. Its approach has been utilised by the Authority elsewhere² and the appellant considers it applicable in this case.
15. Applying the SPD, it is clear that the proposal would be too large and too costly to be a single affordable home. The Authority anticipates that the open market value of a two-bedroom barn conversion at Ashmill Farm would provide sufficient Gross Development Value to support an additional affordable unit. However, its evidence in relation to this matter significantly predates, and has not taken account of, the latest viability evidence or more up-to-date property values submitted by the appellant. In addition, the Authority's appraisal directly transfers the appellant's previous build costs for the single unit to its indicative two-unit scheme, whereas it seems likely to me that build costs would be different. As such, on the basis of the evidence presented, I find that the greater weight attaches to the appellant's viability case. Further, the illustrative drawings indicate the potential for a two-unit scheme to conflict with policy in heritage terms, which would reduce the acceptability of providing an affordable unit on the site.
16. Whilst I accept the appellant's evidence in respect of viability and heritage, and acknowledge that the SPD is a significant consideration, its detailed guidance is clear that its exceptional support for the use of commuted sums is dependent on a scheme being in otherwise accordance with local policy in the first instance. I have found that would not be the case here. As such, regardless of viability, the SPD offers no support for the use of a commuted sum in this appeal. No commuted sum has been agreed between the parties nor has any legal agreement been supplied to me or the Authority in any event.
17. I therefore conclude that the proposal would not be an appropriate form of residential development, having regard to local and national planning policy for the delivery of housing. It would conflict with Policies COR2 and COR15 of the CS, Policies DMD1a, DMD9 and DMD23 of the DMD and the housing aims of the Framework. The reason for refusal also refers to the English National Parks and the Broads UK Government Vision and Circular 2010. This document does not

¹ Unlike the other appeals Ref 3196584 and 3213287, which were in defined local centres.

² Refs: 0187/18, 0097/17 and 0373/17

form part of the development plan and predates national policy in any event. It has therefore had limited weight in my assessment.

Other Matters

18. 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. Given that the site is well contained within the grouping of buildings at Ashmill, and is reasonably enclosed by boundary features, its proposed conversion would have no material harmful effect on the landscape or scenic beauty of the National Park.

Planning Balance and Conclusion

19. The scheme would provide a family sized home through the conversion of a building in a location within acceptable reach of the services within Tavistock. However, due to the scale of the proposal and the absence of any identified local need for the development, these benefits would be very limited. There would also be a very small biodiversity gain through the provision of bird and bat boxes. The absence of harm to the landscape or scenic beauty of the National Park is a neutral factor in my assessment.
20. However, it has not been demonstrated that community, tourist or business use of the barn would be unviable or unfeasible, and the proposal would make no contribution to the provision of affordable housing. Given the predication of the development plan on meeting identified local needs, these are matters to which I attribute considerable weight, and which significantly outweigh the benefits of the proposal. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict.
21. For the reasons given above, and taking into account all matters raised, the appeal should be dismissed.

Matthew Jones

INSPECTOR