



Appeal Decision

Site visit made on 20 January 2020

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/J9497/W/19/3238221

Fig Tree Barn, Combe Bridge Cross To Cullaford Bridge, Coombe TQ11 0HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Kate Pillar against the decision of Dartmoor National Park Authority.
- The application Ref 0286/19, dated 17 June 2019, was refused by notice dated 24 July 2019.
- The application sought planning permission for '*variation of condition 2 of permission ref 0878/02 (ancillary use) to allow studio to be used as holiday let, Catalpa Barn, Lower Coombe, Buckfastleigh*' without complying with a condition attached to planning permission Ref 0714/08, dated 21 April 2009.
- The condition in dispute is No 2 which states that: '*The development hereby permitted shall not be used or occupied other than for the provision of short let holiday accommodation and shall not at any time be used, let, sold or otherwise occupied as a separate dwelling. No person, couple, family or group shall occupy or use the accommodation hereby permitted for a single period or cumulative periods exceeding 28 days in any calendar year*'.
- The reason given for the condition is: '*To ensure that the development is only used and occupied as short let holiday accommodation and to prevent the creation of an unjustified separate dwelling in the countryside of the Dartmoor National Park, in accordance with the Dartmoor National Park Authority Core Strategy Development Plan Document and in particular policies COR1 and COR15, together with saved Policy TM3 of the Dartmoor National Park First Review*'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form names the appeal property as Beards Barn. However, the appellant has clarified that it has been renamed Fig Tree Barn. I therefore used its correct name in my decision.

Background and Main Issue

3. Fig Tree Barn (FTB) is a Grade II listed¹ residential barn conversion located in the small settlement of Coombe within the Dartmoor National Park (DNP). The barn was converted for use as a studio and subsequently tied by condition to the nearby residential barn conversion Catalpa Barn under the terms of planning permission Ref 0365/06. In 2008 planning permission Ref 0714/08 was granted to allow FTB to be used as a self-contained holiday let. Condition

¹ By virtue of its location within the historic curtilage of the Grade II listed Beards Farm

No 2 of that permission restricts the residential use of the barn to short term holiday letting. The proposal seeks removal of the condition to allow FTB to be used as an unrestricted dwelling.

4. The main issue is therefore whether or not removal of the condition would result in an appropriate form of residential development, having regard to local and national planning policy for the delivery of housing.

Reasons

5. Planning law and the National Planning Policy Framework (the Framework) require proposals to be determined against the development plan unless material considerations indicate otherwise².
6. Policy COR2 of the Core Strategy 2006-2026 DPD (adopted 2006) (CS) seeks to prioritise housing delivery in designated settlements listed within the policy. Housing in the countryside elsewhere, such as around Coombe, is restricted to that meeting one of several criteria. Criterion (iii) (c) relates to the reuse of a building that positively contributes to the DNP and which is at risk, requiring a new use to be sustained. FTB is a heritage asset and, if its tourism use were unviable, there is the potential for the building to become disused and at-risk long-term. As such, criterion (iii) (c) is most applicable to this appeal.
7. Policy DMD23 of the Development Management and Delivery Development Plan Document (adopted 2014) (DMD) focuses on housing in the countryside. In conjunction with Policy DM9 of the DMD, it requires the conversion or reuse of rural buildings to provide a business, tourism or community use as a first preference. It is necessary to demonstrate that such uses would not be feasible or viable before affordable housing is considered. This is expounded by Policy DM26 of the DMD. When restrictive conditions are sought for removal, it requires evidence of an absence of demand for the existing use, and for proportionate marketing to have taken place for a period of at least twelve months for unviability to be confirmed.
8. The appellant has referred to prior marketing of the site. However, no further detail, such as the price advertised, has been provided. Without knowledge of how, for how long and at what frequency, I cannot conclude that the marketing demonstrates an absence of viability. Regarding demand, the appellant has identified that occupancy has been sporadic, giving a figure of under 50%. However, no corroboratory evidence, such as a logbook, is before me. It is also unclear if this level of occupancy is influenced by demand or by other factors. As such, I cannot conclude with certainty that the tourism use is unviable or not in demand. The scheme would therefore conflict with Policies COR2 of the CS and DMD23 and DMD26 of the DMD in this regard.
9. If the unviability of the tourism use were to be established, Policy COR15 of the CS restricts housing within barn conversions in the countryside to that for an essential rural worker or affordable housing to meet an identified local need. I acknowledge the appellant's desire for the barn to meet a local housing need and enhance the vitality of the local community and local services and I am aware of the local support for the scheme for the same reasons. It is logical that the layout and size of FTB lends it to various demographics such as first-time buyers, small families or those seeking to downsize. The owner may also

² Section 38(6) of the Planning and Compulsory Purchase Act 2004,

wish to let it long-term to someone in need of such an arrangement in the local area. In these respects, the scheme has the potential to contribute to several housing objectives in the emerging Dartmoor Local Plan 2018-2033.

10. However, no substantive evidence of a local housing need has been identified nor is affordable housing, or any mechanism to secure affordable housing, proposed. Although the barn would have the potential for full-time occupation, there is no guarantee of this outcome and its use as a second home, for example, cannot be ruled out. I therefore have no way to ascertain that the benefits identified by the appellant and interested parties would be delivered long-term. Given the circumstances, the potential benefits of the housing attract limited weight and there would be conflict with Policy COR15.
11. The site is, in my view, remote from services. Occupants would be largely dependent on the motor vehicle to meet the requirements of day to day living. However, I am mindful that the site currently provides the tourism use, which must draw vehicular movements, presumably some from quite far afield. Tourists would need basic services and provisions and would likely travel to tourist facilities in the wider area. For these reasons, I do not share the view that removal of the condition would necessarily increase the need for the occupants of FTB to travel or cause harm to the environment. It would be equally valid to predict that traffic movements and environmental impacts could in fact be less.
12. Drawing my findings together, I conclude that removal of the condition would not result in an appropriate form of residential development, having regard to local and national planning policy for the delivery of housing. It would conflict with the relevant aims of Policies COR2 and COR15 of the CS, Policies DMD1a, DMD23 and DMD26 of the DMD and the Framework.
13. I find no conflict with Policy DM21 of the DMD insofar as it seeks to reduce the need for car movements, and I also find no conflict with Policy DMD1b. The English National Parks and the Broads UK Government Vision and Circular 2010 does not form part of the development plan and predates national policy. It attracts little weight in my assessment.

Other Matters

14. The appellant has drawn my attention to the status of Catalpa Barn, which I understand was granted planning permission without restriction and is occupied as a second home. Whilst reasons for this apparent inconsistency between FTB and Catalpa Barn have not been given, this matter does not absolve me of the requirement to consider the appeal against the development plan. Additionally, it seems to me that the granting of planning permission at Catalpa Barn predates the publication of the Framework and the adoption of the DMD and was therefore within a materially different policy context. For these reasons, this matter has carried very limited weight in favour of the scheme.
15. As the site is within the DNP, I have had regard to the statutory purposes of the designation, and advice within Paragraph 172 of the Framework. Given that the physical attributes of FTB would be unchanged, the proposal would have no material harmful effect on the landscape or scenic beauty of the DNP. For the same reason, whilst I am mindful of my duty to consider the impact of the proposal on the special architectural and historic interest of FTB as a listed building, its significance would be unharmed.

Conclusion

16. 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.
17. For the reasons given above, and taking all matters raised into account, I find that the appeal should be dismissed.

Matthew Jones

INSPECTOR