Appeal Decision

Site visit made on 24 February 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020.

Appeal Ref: APP/J9497/W/19/3242099
Outbuilding, Church Path, Ashburton TQ13 7DT

- 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 Pascoe against the decision of Dartmoor National Park Authority.
- The application Ref 0200/19, dated 26 February 2019, was refused by notice dated 3 July 2019.
- The development proposed is conversion of outbuilding to one dwelling.

Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to one dwelling at Outbuilding, Church Path, Ashburton, TQ13 7DT, in accordance with the terms of the application, Ref 0200/19, dated 26 February 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:

   - whether the creation of an additional open market dwelling would be acceptable having regard to the relevant Development Plan policies; and

   - whether the proposal would retain sufficient storage for bicycles and waste disposal bins for the adjacent dwellings.

Reasons

Housing tenure

3. The appeal property is within the centre of Ashburton within the Ashburton Conservation Area (CA). It is a small outbuilding adjoining the churchyard wall belonging to the listed Church of St Andrew, and is located among other residential properties along Church Walk.

4. The Dartmoor National Park Authority Core Strategy Development Plan Document (June 2008) (Core Strategy) and the Dartmoor National Park Authority Development Management and Delivery Development Plan Document (July 2013) (DMD) together form the Development Plan for the area. Policies COR2 and COR15 of the Core Strategy steer new residential development on the basis of a hierarchy of Local Centres and Rural Settlements, chosen to ensure that development is located to reduce the need to travel, achieve accessibility to services and maintain the rural character of the area. Core Strategy Policy COR2 lists Ashburton as one of the Local Centres where some development will be permitted to serve the needs of the settlement.

5. In terms of the location of the proposal and that it would help meet a more general housing need, there would not be any conflict with Core Strategy Policy COR2 or DMD Policy DMD1a.

6. Core Strategy Policy COR15 indicates that the conversion/subdivision or other similar proposals in Local Centres will be required to provide not less than 50% affordable housing, although in exceptional circumstances this proportion may be varied to enable development of significant environmental or community benefit to proceed. DMD Policy DMD21 echoes the requirements of Policy COR15 but indicates that where a higher proportion of open market housing can be shown to be essential to secure the overall viability of development, a variation from the required minimum of 50% affordable housing may be acceptable.

7. Paragraph 63 of the National Planning Policy Framework ('the Framework') (2019) states that affordable housing should not be sought for residential developments that are not major developments, other than where policies set a lower threshold in designated rural areas. In these areas, which include Dartmoor National Park, a threshold of 5 units or fewer may be set. Policies COR15 and DMD21 predate the Framework and consequently do not recognise this threshold. However, Framework Paragraph 77 states that in rural areas decisions should respond to local circumstances and support housing developments that reflect local needs.

8. The purposes of the National Park are also relevant and include the need to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of its special qualities by the public[1]. Where a clear need for affordable housing exists, setting aside the policies of the Development Plan in respect of smaller sites could frustrate the first aim as there would be a need for significantly more land to be released to help meet the local housing need. As such, whilst pre-dating the Framework, the Government's recognition that National Parks should be the focus for only limited housing growth, including affordable housing to meet local needs, must also be taken into consideration. This tempers the weight that I attribute to the Framework in respect of the affordable housing thresholds.

9. The Authority suggests that there are no exceptional circumstances to justify the open market nature of the proposal. Conversely, other than the Policies themselves, there has been no evidence submitted in respect of the current affordable housing need in Ashburton or in the wider area, or any other relevant data on affordable housing delivery, or lack thereof. As such, I cannot conclude that Core Strategy Policy COR15 and DMD Policy DMD21 should be attributed more weight than the Framework. Combined with the evidence which indicates that the scheme is only marginally viable on an open market basis, which the Authority have not refuted, I consider that there is sufficient grounds to deviate from the typical requirements of the aforementioned Policies.

10. In the circumstances, I find that whilst the lack of affordable housing provision would conflict with CS Policy COR15 and DMD Policy DMD21, it would not conflict with current national policy set out within the Framework. According greater weight to the Framework for the reasons set out above, I therefore

[1] in English National Parks and the Broads: UK Government Vision and Circular 2010

conclude that it is unnecessary for the proposed development to provide affordable housing.

Storage use

11. The appeal building is single storey and is internally divided to provide a number of storage areas of varying sizes, each with its own door opening on the principal elevation. It was in use for general domestic storage purposes at the time of my visit. From the evidence available, it would appear that approximately half of the building was identified as storage for bicycles and waste bins in conjunction with the conversion of a nearby building to three dwellings, albeit that no condition required it to be maintained as such.

12. Given the building's siting within the CA and its position in the vicinity of the Grade I listed St Andrews Church, I am required under the 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. Under the same Act, I am also required to pay special regard to the desirability of preserving the setting of the listed building.

13. From the Ashburton Conservation Area Character Appraisal (2012) the special qualities of the CA derive from, amongst other things, the range and quality of the historic buildings that radiate out from its historic, commercial and cultural core. The appeal building does not contribute to the special qualities of the CA. Nor does the appeal building make more than a negligible contribution to the setting of the listed St Andrew's Church, being a minor built element abutting its boundary wall which is not sited along a principal pedestrian route thereto.

14. Despite the existence of some external outbuildings, including the appeal building, it appears that many surrounding households store their waste bins at two specific points along Church Walk, adjoining the appeal building and at the end of the street, presumably to aid collection by relevant personnel. The bins were discreetly sited so as not to hinder any movements of pedestrians or cyclists or appear harmful to the character or appearance of the area.

15. The proposal excludes the end of the building labelled as 'adjacent stores' on proposed plan Ref 2270/02 Rev A. From my site inspection, it became clear that this is internally divided into two sections, and from the evidence, that these are associated with two of the recently converted dwellings. These householders would therefore retain an element of external storage sufficient for a waste bin and/or bicycles as desired. The proposal would result in the loss of an external storage facility for the appellant's own house which lies opposite the appeal building. As this appears to be the largest dwelling resulting from the recent conversion scheme, its roomy entrance hall has the capacity to store bicycles as necessary.

16. Given that the proposal would result in only a minor loss of external storage space, its potential effects on the area would be limited. Subject to conditions relating to the external materials, the proposal otherwise includes sensitive interventions that will improve not only the character and appearance of the building itself, but that of the wider area and CA. The proposal would therefore enhance the character and appearance of the CA and would preserve the setting of the listed building.

17. The proposal would therefore comply with, in particular, CS Policy COR4 and DMD Policies DMD4 and DMD12, which collectively, amongst other things, seek to ensure development sustains local distinctiveness, provides an attractive, functional, accessible development and enhances the character and appearance of the respective conservation area.

18. For the reasons set out above, the proposal would also adhere to guidance within the Dartmoor National Park Design Guide (November 2011) which seeks to ensure that bike storage and waste bins are incorporated within proposals.

Other Matters

19. I accept that parking is relatively restricted in Ashburton. Nevertheless, there are car parks in the vicinity of the appeal site, and, given its town centre location, it could be accessed by alternative modes of transport. I note that the earlier conversion scheme for three houses was not refused on the basis of a lack of parking and nor do I consider it necessary to reach a different conclusion in respect of this scheme for a single small dwelling.

Conditions

20. In addition to the statutory time limit, a condition is necessary to specify the approved plans in the interests of certainty.

21. In the interests of the character and appearance of the area and CA, it is necessary to condition all aspects of the external materials, including roof, external cladding, windows, doors, gutters and rooflights.

Conclusion

22. For the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:
   - Ref 2270/02 Rev A Floor plan and elevations dated 02/2019
   - Ref 2270/03 Block plan dated 02/2019
   - Ref 2270/04 Location plan dated 02/2019

3) The roof of the building hereby approved shall be covered in natural slate, a sample of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The slates shall be fixed by nailing only and shall be permanently maintained as such thereafter.

4) All external doors, windows and exterior cladding in the development hereby approved, shall be of timber construction or timber framed construction. All new external timber on the building shall be stained dark brown or black, not later than 30 days after the substantial completion of the development. All timber elements shall be permanently retained as such thereafter.

5) All gutters and downpipes on the development hereby approved shall be of metal construction and round or half-round in section and shall be painted black not later than 30 days after the substantial completion of the development. The gutters and downpipes will be permanently retained as such thereafter.

6) The roof lights on the development hereby approved shall be of the "conservation type" with a frame flush with the outer face of the roof slope and shall be permanently retained as such thereafter.