



Appeal Decision

Site visit made on 19 October 2020

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/J9497/W/20/3254262

Harragrove Farm, The Old Root House, Road From Village Hall To Paisleymead, Peter Tavy PL19 9JR

- 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 Richard Goslin against the decision of Dartmoor National Park Authority.
 - The application Ref 0062/20, dated 2 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is for the conversion of redundant farm building into Micro-Brewery.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant farm building into Micro-Brewery at Harragrove Farm, The Old Root House, Road From Village Hall To Paisleymead, Peter Tavy PL19 9JR in accordance with the terms of the application, Ref 0062/20, dated 2 February 2020, and subject to the conditions set out in the schedule to this decision.

Procedural Matters

2. Although there are some differences between the submitted existing and proposed elevation drawings, the proposed development relates to a change of use only. As confirmed in the application form (section 7) and the appellant's appeal statement, no internal or external alterations are proposed as part of the appeal proposal. I have therefore determined the appeal on this basis and have assessed the submitted drawings as merely illustrative in so far as they show potential changes to the area the subject of the proposed change of use. Accordingly, any differences between the existing and proposed floorplans and elevations – some of which I note the Authority indicate are subject to on-going enforcement action and require planning permission – have neither been assessed nor found acceptable or otherwise as part of this appeal.

Main Issue

3. The main issue is whether the proposed change of use would be acceptable in relation to development plan policies, with particular regard to the site's location and the building's status as a non-designated heritage asset.

Reasons

4. The appeal site involves the relatively small rear-projection – known as the Old Dairy or the Tractor Barn/Store – of The Old Root House, which is identified by the Dartmoor National Park Authority (Authority) as a non-designated heritage asset. Having recently been renovated, the Old Dairy is in a good condition both internally

and externally and I observed on my site visit that, with the exception of a few small stored items, it is essentially empty and unused. Its significance as a heritage asset stems from, amongst other aspects, its historic value. Accessed via narrow rural lanes, the site is situated in a relatively remote, countryside setting. Given the distance and its setting, it seems reasonable to me to describe the site as being located near to but outside of the settlement of Peter Tavy.

5. It has been put to me that regarding the site as being outside of a classified settlement is harsh on the basis of its proximity – of approximately 0.5 miles – to the village hall in Peter Tavy. Be that as it may, the main parties agree that the site is outside of a classified settlement as defined by the adopted Dartmoor National Park Development Plan (DNPDP)¹. On this basis and despite the proposed development involving the re-use of an existing building rather than the erection of a new building, DNPDP Policies COR2 and COR18 are relevant to the acceptability of the proposed change of use.
6. Policy COR2 part (iii) sets out that outside the Local Centres and Rural Settlements of the National Park, development will be acceptable in principle if it meets one of a number of listed aspects. Amongst other things, Policy COR18 lists a number of means in which local employment and business opportunities will be sustained outside the classified settlements.
7. It has been put to me that the proposal would comply with c) and e) of Policy COR2 part (iii) and part (a) of Policy COR18. However, taking each of these in turn, I disagree: given its good condition, the Old Dairy cannot reasonably be described as being 'at risk'; with the proposed use as a micro-brewery relating to a light industrial use, the appeal proposal cannot rightfully be considered as 'householder and domestic-related development'; and the development does not involve a 'small office' and, despite it being located at the appellant's home and being run by the appellant and his son (on a part- and full-time basis respectively), it seems to me that the proposed light industrial use also cannot realistically be considered to be a 'home-based enterprise'. In relation to this latter matter, I have little substantive evidence setting out what the Authority or the DNPDP defines to be a home-based enterprise. However, the separate references to 'light industrial' and 'home-based enterprises' elsewhere in Policy COR18 policy substantiate my position.
8. The Authority raises concerns that the proposed change of use, could introduce activity that would harm the living conditions of existing and future residents through matters such as noise and odours. The Old Dairy is attached to The Old Root House and there is a doorway providing direct connection between it and the dwelling. However, I have little substantive evidence that a micro-brewery would create significant noise or odours. I also observed on my site visit that the door between the two was double glazed and well fitted. On this basis with little evidence to indicate otherwise, it seems to me that the proposed use would not harm the living conditions of existing and future residents. I therefore find that the proposed development would not conflict with DNPDP Policy DMD4, which seeks to protect residential amenity.
9. Amongst other policies, the Authority allege that the appeal proposal would conflict with DNPDP Policies COR1, COR4, COR5, DMD1b, DMD8 and DMD9. Amongst other aspects, these policies: require development to conserve or enhance the natural beauty and cultural heritage of the National Park, important historic features, and the character, appearance, special qualities and distinctiveness of the historic built

¹ The DNPDP consists of the Local Development Framework Core Strategy Development Plan Document 2006-2026 (200) and the Development Management and Delivery Development Plan Document (2013).

environment; and set out the Authority's approach to changes of use of heritage assets and historic buildings outside of classified settlements.

10. However, no alterations are proposed as part of the appeal proposal. There is also little evidence before me which indicates that the works previously undertaken to the Old Dairy – some of which may be unauthorised and subject to enforcement action – are necessary for the operation of the proposed use, while the appellant's appeal statement sets out that the micro-brewery would require no alterations to the building's structure. Accordingly, I am satisfied that the change of use would neither harm the character, appearance, special qualities and features of the historic building as a non-designated heritage asset nor the natural beauty and cultural heritage of the National Park. With regard to DMD9, the proposed change of use would not risk the conservation of the Old Dairy, while the evidence before me indicates that it is a historic building and the appeal proposal would broadly meet the requirements set out in parts i-vi of the policy. In coming to this view, I have had regard, in accordance with the relevant legislative requirements and policy, to the conservation of natural beauty and cultural heritage of the Dartmoor National Park alongside the other purposes for which it is designated, and the great weight afforded to these matters, which have the highest status of protection.
11. I therefore find that there would be no conflict with DNPDP Policies COR1, COR4, COR5, DMD1b, DMD8 and DMD9. There would also be no inconsistency with the Dartmoor National Park Design Guide (supplementary planning document, 2011), the English National Parks and Broads UK Government Vision and Circular 2010 or the provisions in the National Planning Policy Framework (Framework) in relation to achieving well-designed places and conserving and enhancing the natural and historic environments. However, for the above reasons and due to the conflict I have identified above with DNPDP Policies COR2 and COR18, I conclude that the proposed change of use would not be acceptable in relation to development plan policies, with particular regard to the site's location.

Other matters

12. A number of other matters have been raised by interested parties, including in relation to the disposal of waste water and highway safety issues from greater traffic movements on the narrow lanes in the locality. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to these matters and neither has the Authority raised concerns in relation to them. Contamination issues are commonly covered by other legislation and the appellant's appeal statement sets out that no toxic waste will be generated. It seems to me that traffic movements would also not be significant given the limited scale of the proposed use and that the physical size of the Old Dairy provides a natural limit to the scale of the business. Consequently, these matters do not lead me to a different overall conclusion that the appeal should be allowed.

Planning Balance

13. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, there are a number of such considerations before me.
14. The good condition of the Old Dairy indicates that it is clearly not at risk of falling into disrepair. I therefore agree with the Authority that the appeal proposal does not represent an opportunity to safeguard a heritage asset at risk. However, as I have found above, the proposed change of use would not risk the conservation of the historic building. The limited scale of the building, its openings and turning

space in the courtyard means that it also appears to be rather unsuited to modern agricultural use and too small for all but limited farming machinery. Accordingly, it seems to me that the Old Dairy is unlikely to be brought back into agricultural use and the proposal represents an opportunity to bring it back into an alternative use. This would assist with ensuring the continued and long-term preservation of the non-designated heritage asset and thus help to conserve cultural heritage which might otherwise remain unused and be less well-maintained.

15. This weighs in favour of the development. Although I have found that the proposal would conflict with DNPDP Policies COR2 and COR18, I also note the references in those policies to prioritising the re-use of previously developed land and giving full consideration to using existing buildings, particularly traditional buildings. In support of this, Policy COR1 also sets out the need to, amongst other aspects, conserve important historic features.
16. The appellant's appeal statement sets out that the proposed micro-brewery would seek to sell its products to pubs, hotels and shops in the local area and that there is a significant desire for locally produced beers. Although the micro-brewery is not intended to become a significant enterprise, some potential additional employment – related to administration and potentially deliveries – beyond the involvement of the appellant and his son could also be created. On the evidence before me and given the scale of the development, I am satisfied that the appeal proposal would therefore result in a small but nevertheless positive benefit to the local economy. This accords with DNPDP Policies DMD1a, DMD1b and COR1 which respectively refer to, amongst other things: development that improves the economic conditions in the area; the fostering of social or economic wellbeing in the National Park provided that such development is compatible with the pursuit of National Park purposes; and that various considerations, including the support for the socio-economic vitality of the National Park, should be taken into account.
17. In weighing these considerations against the conflict with DNPDP Policies COR2 and COR18, I am mindful that the Framework sets out that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements. Importantly, I have also not identified any specific direct or in-direct harm that would occur and manifest physically due to the proposed change of use.
18. In weighing up these matters, and despite placing significant weight on the DNPDP, I find in this instance that the above considerations outweigh the conflict with the development plan that I have identified. This indicates that permission should be granted, notwithstanding that the development does not accord with the above listed policies.

Conditions

19. I have had regard to the planning conditions that have been suggested by the main parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
20. In addition to the standard time limit condition, I have imposed a condition preventing retail sales from the site. This is necessary with respect to the living conditions of adjoining occupiers and would also ensure that the appeal proposal did not create significant additional traffic movements. In order to protect the character and appearance of the site and locality, it is necessary to impose a condition relating to storage associated with the proposed use. Given the site's relatively remote setting and the need to avoid harming wildlife, a condition preventing external lighting is also necessary.

21. In addition to the Authority's suggested conditions, I have also imposed a condition restricting the use of the building to the proposed micro-brewery use. I recognise that the Planning Practice Guidance sets out that such conditions may not pass the test of reasonableness or necessity. However, the condition is reasonable and necessary in this instance because other uses, including other uses within the same use class, may not be appropriate given the site's context and the restrictions in the development plan on development outside of classified settlements.

Conclusion

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

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) There shall be no direct retail sales to customers from the site.
- 3) Unless otherwise agreed in writing by the Local Planning Authority, no storage of equipment, goods or materials associated with the approved micro-brewery shall take place on the property other than within the building that is the subject of this application.
- 4) There shall be no external lighting attached to the exterior or within the curtilage of the building.
- 5) The premises shall be used for a micro-brewery and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

END OF SCHEDULE