



Appeal Decision

Site visit made on 7 December 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2020

Appeal Ref: APP/Q1153/D/20/3260182

Keyethern Farm, Hatherleigh, Okehampton EX20 3LG

- 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 Peter Kent against the decision of West Devon Borough Council.
 - The application Ref 0930/20/HHO, dated 18 March 2020, was refused by notice dated 9 July 2020.
 - The development proposed is a two-storey extension to the rear.
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Decision

1. The appeal is allowed and planning permission granted for a two-storey extension to the rear at Keyethern Farm, Hatherleigh, Okehampton EX20 3LG in accordance with the terms of the application Ref 0930/20/HHO, dated 18 March 2020, and subject to the following 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 approved plans: drawing numbers 0246-01, 0246-02 and 0246-03.
 - 3) Prior to installation a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.
 - 4) Prior to installation details of all new and replacement doors and windows, including their method of opening and proposed finish, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Main Issues

2. The main issues are:
 - the effect of the proposal on the host building, and
 - whether the scheme would be tantamount to the creation of a new dwelling in the countryside.

Reasons

The effect of the proposal on the host building

3. The dwelling at Keyethern Farm consists of a two storey building constructed with elevations of render with stone sections. It appears that the building was originally linear in plan form and consisted of a dwelling at one end with agricultural use in the other sections. In the past, the building had a metal sheeted roof and a large barn was attached to the frontage.
4. The building has undergone substantial changes. These have included the removal of the large barn, the conversion of the building to solely residential use, the addition of a reasonably large wing to the western end, that is in use as an annexe, and the addition of a sizeable upvc conservatory to the rear. The majority of the roof is now clad in slate with the end section thatched since the 1980s. At some point a dormer has been added to each side of the main roof and most of the window frames changed to upvc.
5. Furthermore, at the rear, alongside the conservatory is a quite sizeable timber clad projection that extends away from the corner of the dwelling and lies alongside a more functional agricultural building. Together with the conservatory these projections are quite a dominant feature of the rear of the building.
6. Nevertheless, while the building has been substantially altered in plan form and appearance it still has many pleasant features that complement the rural setting.
7. The proposal would replace the thatched roof with a slate roof and make alterations to the eaves lines. As the building was only thatched in the past few decades, and the eaves and ridge would align with the main part of the building, the proposal for a slate roof with the accompanying changes would merge sympathetically with the building as a whole.
8. These roof changes would be clearly visible from the right of way which runs up the drive and through the site. However, as these alterations are acceptable there would be no visual harm to the appearance of the property in its setting when experienced by those using the right of way.
9. The extension is proposed to the rear of the building and the design would have a contemporary feel with the areas of glazing, formed within the gable, and timber boarding. Together with the reasonably modest projection from the building, and the catslide element reducing the overall bulk, the extension would be read as a more recent addition that would not rival the main linear form of the original building. The design and size would allow the earlier form of the building to still be legible and indeed the addition would be relatively minor in the context of the other changes that have occurred to the rear elevation and the building as a whole.
10. From those sections of the right of way where the extension could be seen it would be glimpsed in the context of the larger building and would not cause visual harm or be out of character with the building as a whole.
11. The Council assess that the building should be considered as a non-designated heritage asset as the building is an historic farmstead identified on the tithe map and 1st and 2nd edition OS maps. Policy DEV21 of the Plymouth and

South West Devon Joint Local Plan 2014-2034 (the Local Plan) has a similar policy approach as paragraph 197 of the National Planning Policy Framework (the Framework). The Framework sets out that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. The policy approach is that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

12. In this case, I have had regard to the Plymouth and South West Devon Supplementary Planning Document (adopted 2020) (the SPD) which I attribute substantial weight. The farmstead does not seem to appear on any local list, however, based on the map information, and therefore it's age, the building does have the potential to have some significance. In terms of the approach set out in the SPD the building could appear to meet the criteria for a non-designated asset. In this case, the significance of the building includes its age and plan form, set within the rural context, although the range of alterations and additions that have taken place in the past have reduced the importance and significance of the building.
13. The reasonably contemporary design, size and impact of the extension would not affect the legibility of the original plan form and be an acceptable addition in relation to the character and appearance of the building within its rural setting. The roof changes are acceptable for the reasons explained. The proposal would involve the loss of some original fabric to the rear elevation and internally, although the loss of fabric is reasonably limited and in the context of the building as a whole would be minor. The scheme would provide improved living conditions for the occupiers of the site with an acceptably designed extension added to a building which has been fairly substantially altered in the past. If the building is judged to be a non-designated heritage asset, then the harm to the building and its significance would be minor and the balance is such that this would be outweighed by the benefits and otherwise acceptability of the proposal.
14. In the light of the above analysis, I conclude that the proposal would be an acceptable addition to the host building, even if the building is considered a non-designated heritage asset. Accordingly, the scheme would comply with Policies DEV20 and DEV21 of the Local Plan, the approach to non-designated heritage assets in the SPD and the Framework which set out, amongst other things, the approach to conserving and enhancing the built and historic environment.

Whether the scheme would be tantamount to the creation of a new dwelling in the countryside

15. The evidence indicates that the thatched section of the building is internally connected with the other parts of the dwelling both by doorways at the ground floor and first floor. There is no clear case, supported by evidence, that the thatched part of the building is presently used separately from the other part of the dwelling.
16. The extension would provide additional space, including on the ground floor an extension to the lounge area (identified as a day room on the proposed plans) and an additional bedroom on the first floor. The plans show that this end of the building as extended would still be connected by the same internal

doorways at ground and first floor to the adjoining part of the building. While the space would be larger in this extended section of the building the arrangements and provision of facilities would not be substantially different from the existing situation.

17. Even if the end section of the building could be used as a separate dwelling, the application is made on the basis of an extension to the dwelling and I am required to determine the proposal before me. If the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. However, with the details of the application seeking permission for an extension and the similarities with the present and proposed layout, I do not consider that a refusal could be justified on the basis that the proposal is tantamount to the creation of a new dwelling.
18. Accordingly, I conclude that the proposal should be considered as an extension and not a proposal that would be tantamount to the creation of a new dwelling. It follows that, as the extension would be appropriate in scale and design to the host dwelling, there would be no conflict with Policies TTV1, TTV2, TTV26 and TTV29 of the Local Plan which sets the approach to development in the countryside, including extensions to dwellings.

Conditions

19. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance (the Guidance). The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
20. Conditions in respect of external materials and door and window details are necessary to ensure that they are in character and appearance with the building as extended. However, these details can be agreed prior to the installation in each case and do not need to be pre-commencement conditions.
21. The Council seek a condition that would remove permitted development rights for roof additions and alterations. The Guidance indicates that restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The Council has not made a clear and convincing case to explain the harm that may result if such rights were to be exercised. With the reasonably limited extent of roof that may be controlled by such a condition at this end of the building, I am not satisfied that it would be reasonable or necessary to remove these permitted development rights as suggested.

Conclusion

22. For the reasons given above, and subject to the specified conditions, I conclude the appeal should be allowed.

David Wyborn

INSPECTOR