The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2021

Appeal Ref: APP/X1118/W/20/3259771
Guyscliffe Farm, Rectory Road, Combe Martin EX34 0NS

- 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 Lugo & Mrs Greaves-Lugo against the decision of North Devon District Council.
- The application Ref 71334, dated 19 March 2020, was refused by notice dated 1 July 2020.
- The development proposed is conversion of barn to 1no. residential holiday let and part conversion of barn to provide WC facilities for 28 day permitted development camping.

Decision

1. The appeal is dismissed insofar as it relates to the conversion of barn to 1no. residential holiday let. The appeal is allowed and planning permission is granted for the part conversion of barn to provide WC facilities for 28 day permitted development camping at Guyscliffe Farm, Rectory Road, Combe Martin, EX34 0NS, in accordance with the terms of the application, Ref 71334, dated 19 March 2020, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Lugo & Mrs Greaves-Lugo against North Devon District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
   - whether the location of the tourism proposal would accord with local policies that seek to minimise travel by private vehicle and protect the character of the countryside;
   - whether the proposal would constitute a conversion of the existing building;
   - the effects of the proposal on the character and appearance of the area; and
   - whether the building would provide adequate living conditions for future occupiers, with particular regard to the achievable internal dimensions.

Background

4. The appeal proposal comprises two parts, one for the formation of a unit of tourism accommodation from an existing building and the other to form a WC/shower facility from a small area of floorspace within an existing

agricultural building. Though the main issues refer to the proposal as a whole, where necessary, I have considered these elements separately of one another.

Reasons

Principle of development

5. Policy ST07 of the North Devon and Torridge Local Plan (2018) (NDTLP) sets the spatial strategy for the rural area of North Devon over the plan period. It seeks to direct most development towards the local centres, with proportionate growth also being directed towards the identified villages. Whilst the appeal site is only approximately 1.4 km from Combe Martin, which is an identified village, it is outside of the built form of the settlement and therefore falls within the countryside.

6. Under ST07(4), which relates to the countryside, it is stated that the forms of permissible development are limited to those which meet local economic and social needs, rural building reuse or other developments restricted to a countryside location.

7. Policy ST10 seeks to reinforce the transport strategy aims of the plan by reducing the need to travel by car and enabling sustainable travel alternatives. Policy DM05 is more specific to highway safety and design and pedestrian infrastructure. The relevance of Policy ST10 is therefore in its support for the spatial strategy that seeks to locate development where it can reduce the reliance on private vehicles and promote the use of sustainable travel modes.

8. As set out in Policy ST07, in the countryside, exceptions to the normal policy of restraint can be made where there is an existing building suitable for reuse, whether that be for residential, tourism or other purposes. Whether a proposal is acceptable in this regard depends on compliance with the policy specific to such buildings, Policy DM27.

9. Policy DM27 sets out a number of criteria for consideration of conversion schemes involving disused and redundant rural buildings. The Council has raised issue with (b) and (c) which relate to character and setting effects and extent of works respectively. The Council has not raised issue in terms of compliance with (a), (d) or (e), subject to conditions.

10. Policy DM18(2) of the NDTLP is also relevant and states that outside of the main and local centres, the development of new tourism accommodation will be supported where it either: "*(a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction, or (b) reuses or converts existing buildings; or (c) improves facilities or diversifies the range or improves the quality of existing tourism accommodation*". As neither (a) or (c) is applicable in this instance, the acceptability of the principle is predicated on the new tourist accommodation unit constituting the reuse of an existing building under DM18(2)(b) and DM27. This approach accords with the overall spatial aims and transport strategy incorporated within the Plan. The assessment of the proposal in the context of DM27 (b) and (c) is set out separately below.

Extent of works

11. The existing barn to be converted to a new unit of tourism accommodation comprises a steel portal frame building with monopitch roof and only three timber sides. It does not have a finished floor, only compacted earth.

12. The proposal seeks to make the building habitable through a number of interventions, including the provision of a floor and construction of blockwork to provide the missing elevation but also to form the other walls between the existing steel frames. A new internal ceiling would need to be provided, with insulation, and internal partition walls would need to be built. One new window would be inserted into the rear wall but all of the other new openings would be formed in the elevation to be provided.

13. Though no extensions would be necessary, there would need to be an entire wall provided which, from the appellant's evidence, represents 28% of the external envelope. Added to the need to provide blockwork between the existing steel frames, which would be more substantial than the three timber sides that exist at present, and the provision of a floor, internal walls and ceiling, the works would amount to a substantial element of new building (as distinct from *re*building) and significant alterations to an existing minimal structure. Whilst I do not doubt the structural integrity of the steel frame supporting the existing lightweight structure, or its ability to support the additional loadings that would be added by the proposed interventions, the totality of the works would go beyond a conversion.

14. Though it is suggested that the conversion of many modern agricultural buildings will necessitate similar interventions, in my view, such works described by the appellant would not accord with Policy DM27(c) that seeks to allow the reuse and conversion of buildings that are sufficiently substantial and capable of conversion in the first place.

15. Given the totality of the works required, the proposal would not represent a conversion and would thus conflict with Policy DM27(c).

Effects on character and appearance

16. Both elements of the proposal involve alterations to existing buildings set at an elevated position and within a treed, agricultural landscape. The area is wholly within an Area of Outstanding Natural Beauty (AONB). The buildings are visible at a distance across the valley and from the public road at a lower level. The alterations to the larger building to provide an internal WC/shower facility would have a minimal impact on the exterior of the building, despite that it would require the rebuilding of one elevation for compliance with separate regulations. The main alterations to the smaller building would face in towards the site and would not be particularly noticeable within a wider context.

17. Whilst the alterations to the smaller building would involve the enclosure of the open side and a number of alterations that would domesticate it, these works would be of little consequence in terms of its modern, utilitarian character or its immediate setting. The introduction of a modest amount of paraphernalia may be expected, but its allocated parking already exists in a screened position along the existing access track and any modest domestication would not be out of context with the site given that it is seen in association with the host dwelling. Furthermore, the inclusion of a substantial length of new native hedgerow would also have the effect of further greening the valley side, further screening the site from view and enhancing the buildings' immediate setting.

18. Consequently, neither part of the proposal would harm the character or appearance of the area or wider AONB setting, but, subject to the imposition of a landscaping condition, there would be a proportionate enhancement of the

immediate setting. The proposal would therefore comply with NDTLP Policies DM04, DM18(2)(f), (g) and (h), and DM27(b), which seek to secure good design and developments that protect and enhance the special qualities of the AONB and have positive impacts on their settings.

Living conditions of future occupiers

19. The conversion element of the proposal seeks to provide a single bed holiday unit with open plan kitchen and living room, a bathroom and double bedroom. It would be a long, narrow building with a single aspect facing towards the nearby barn.

20. From the evidence, the footprint of the unit would be 43 sqm. It would be a residence, albeit one which would be occupancy restricted to use as a holiday unit. Were it intended as a full-time residence, the Nationally Described Space Standard[1] (NDSS), though unadopted by the Council, would form a material consideration. The NDSS requires 1 bed, 2 person, single storey units to have a minimum of 50sqm of gross internal floor area with 1.5sqm of built-in storage.

21. Whilst holiday guests would have expectations in relation to the quality of the living environment for the duration of their stay, the NDSS requirements are only a benchmark in this context. There appeared to be a plentiful range of other types and sizes of accommodation available elsewhere around Combe Martin which suggests that prospective guests would have a genuine choice as to whether or not to stay in such a compact unit. The appeal decision cited by the Council in support of the relevance of the NDSS to tourism units referred to a unit even smaller than the proposed and which also appeared to have other design shortcomings.

22. In any event, the proposal would only fall short of the NDSS benchmark by a modest amount considered in the context of its intended occupation by tourists for limited periods of time. The generous floor to ceiling height would also maximise the sense of space and quality of living environment.

23. As such, the proposal would achieve a satisfactory living environment for future occupiers as holiday guests and would therefore comply with NDTLP Policies ST04 and DM04 which collectively seek to ensure development is of high quality and safeguards the amenities of existing and future occupiers. For similar reasons, the proposal would comply with the National Planning Policy Framework which seeks to create places that promote health and well-being.

Other Matters

24. I note the concerns of a local resident in respect of the visual harm from the introduction of camping pitches and associated paraphernalia. However, the proposal does not itself seek permission for any such change of use of land. The proposal includes the installation of a WC/shower within an existing building to facilitate restricted camping uses utilising permitted development rights. As such, the visual considerations related to any such camping use do not form part of this appeal.

[1] Technical Housing Standards - Nationally Described Space Standard (Department for Communities and Local Government, 2015)

Planning balance and conclusion

25. Given that the proposal has been found to go beyond a conversion and reuse of a rural building under NDTLP Policy DM27, it does not accord with the spatial aims, tourism or transport strategies of the plan. It would introduce a new tourism development within the countryside and its occupiers would be wholly reliant on private vehicle. In these regards, the proposal would fail to accord with the development plan as a whole. However, the element of the scheme to provide a WC and shower to facilitate the use of permitted development rights would not conflict with the same.

26. It is on this basis, and given that the separate elements of the scheme are clearly severable, that I have opted to split the decision and allow the latter.

27. Whilst the Council's five year housing land supply may be deficient at the present time and that may affect whether policies relating to the delivery and location of housing are up-to-date, I do not find the most relevant policies to the determination of this appeal to be affected or silent in respect of the consideration of the proposal. The policies include NDTLP Policies DM18, DM27 and DM04, the former two of which are specific to tourism proposals and rural building reuse respectively. Consequently, the tilted balance is not engaged in this case.

28. I note that the conversion scheme would deliver economic benefits and minor enhancements to both the landscape and ecological value of the area. However, these benefits, constrained by the limited scale of the proposal, would not outweigh the identified conflict with the development plan.

Conditions

29. Conditions are necessary in relation to the WC and shower facility to ensure that the development is carried out satisfactorily. In addition to the statutory time limit, it is necessary to specify the plans in the interests of certainty.

30. In the interests of the biodiversity interests of the area, it is also necessary to condition that no external lighting shall be installed at the site.

31. In the interests of the character and appearance of the area, it is necessary to condition the implementation of the proposed landscaping measures.

Final conclusion

32. For the reasons given above, I conclude that the appeal should succeed in relation to the works to provide the WC and shower facility. However, in relation to the creation of a new unit of tourism accommodation, the appeal is dismissed.

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:

- Site location plan, ref 212-PL-01 Rev C, dated June 2020
- Landscape plan, ref 212-PL-09, dated June 2020
- Proposed Floor Plans, ref 212-PL-05 Rev E, dated June 2020
- Proposed Elevations, ref 212-PL-07 Rev D, dated June 2020
- Visibility and Access Plan, ref 212-PL-08 Rev A, dated March 2020

3) No external lighting shall be installed at the site.

4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.