



Appeal Decision

Site Visit made on 31 March 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/J9497/W/20/3262451

Moor View, Horrabridge, Yelverton PL20 7QT

- 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 Susan Dixon against the decision of Dartmoor National Park Authority.
 - The application Ref 0196/20, dated 7 March 2020, was refused by notice dated 16 June 2020.
 - The development proposed is replacement dwelling by change of use of the parent dwelling to form hydrotherapy pool. Extend drive and form new vehicle access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - (i) the effect of the development on the landscape and scenic beauty of the Dartmoor National Park, and
 - (ii) whether there are any material considerations that might indicate a decision otherwise than in accordance with the development plan, with particular regard to the appellant's personal circumstances.

Reasons

Character and appearance

3. New residential development outside the settlements of the National Park is strictly controlled. Policy DMD27 of the Dartmoor National Park Development Management and Delivery Development Plan Document 2013 (DMP) establishes a presumption that existing dwellinghouses should be retained in order to protect the distinctiveness of places and to conserve energy embodied in existing structures. However, it sets out criteria where replacement and rebuilding may be permitted, including that the replacement should be on a scale that is sympathetic to its location.
4. The site is on the moorland fringes, close to Horrabridge. There are a variety of dwelling styles in the vicinity. In this context, away from the high moor where a more rugged simplicity prevails, the detailed design in itself would be compatible with other nearby dwellings and conserve the local built environment. There are some small groups of isolated buildings scattered around the predominantly rural landscape and a larger group, slightly detached from Horrabridge, at nearby Sampford Gardens. However, the site is outside

the main built form of Horrabridge and the character and appearance of the area is generally of undeveloped rolling countryside.

5. The existing dwelling, stables and other domestic outbuildings are fairly unobtrusively sited and seen across the valley against a backdrop of trees in a mature landscape setting. The proposed siting of the new dwelling, would be on higher ground towards the top of an open field. This would make it more prominent in the landscape. As the existing dwelling would be retained for use as a hydrotherapy pool, the increased size of the building group and, in particular, the relative prominence of the new dwelling, would harm the character and appearance of the area, landscape and scenic beauty of the National Park.
6. DMP Policy DMD27 does not specifically require the demolition of an existing dwelling, replacement on the same footprint or within the existing residential curtilage. The repurposing of the existing building would retain embodied energy, which is one of the stated policy aims. There is a logic in this approach given the appellant's need for the pool. However, although the appellant has indicated that the proposed dwelling would be no more than 15% bigger than the existing one, the harm that I have identified indicates that the scale of the resulting development is not sympathetic to its location. This would be at odds with the stated policy aim of protecting the distinctiveness of places and the proposal, therefore, results in a conflict with Policy DMD27 read as a whole.
7. The harm would also result in a conflict with those aims of Policy COR1 of the Dartmoor National Park Core Strategy Development Plan Document 2008 (CS), and DMP Policy DMD5 that seek to ensure the conservation and enhancement of characteristic landscapes, and that development respects local distinctiveness and the countryside with an appropriate scale and layout.
8. Although some of development plan policies also seek to promote wellbeing and the re-use/refurbishment of existing buildings, great weight should be given to the conservation of the landscape and scenic beauty of the National Park and, in accordance with DMP Policy DMD1b, the conservation and enhancement of the natural beauty, wildlife and cultural heritage should be given priority over other considerations. While the appellant may have intended the proposal to be assessed on the basis of the criteria in DMP Policy DMD27, the development plan must be considered as a whole. For the reasons given, I find that the proposal conflicts with the development plan, considered as a whole.

Material considerations

9. I note that the appellant perceives the current and emerging development plans to be inadequate in serving the needs of disabled people. However, whether or not that is the case, that need not stop a decision being made otherwise in accordance with it, should material considerations indicate.
10. After a long search, the appellant has been unable to find a suitable property to meet her specific needs. The existing dwelling, with its awkward configuration could not meet her needs. Whether or not it could be reconfigured to do so, I understand that there may be other problems with the building fabric that may make provision of a high quality modern, healthy living environment challenging, if not impossible. Furthermore, I can appreciate how a bespoke designed dwelling would offer a far superior situation with considerable long-

term wellbeing and other benefits compared to retrofitted solutions. The appellant's personal circumstances, therefore, weigh heavily in favour of providing a new build dwelling at the site.

11. Planning Practice Guidance encourages inclusive design to be considered at the outset, including the siting of dwellings and their relationship to other buildings and uses. In particular, the housing needs of disabled people must be accounted for. In considering these matters, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 that, amongst other things, requires me to eliminate discrimination and advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
12. The main justification for the proposed siting is to allow the appellant to oversee her son tending to the family animals in the stables that are screened from the site of the existing dwelling. I can see that this would be desirable in considering the siting of any new family dwelling. However, the evidence does not demonstrate that this arrangement is a necessary part of the appellant's health, wellbeing or family life, nor that the appellant can only oversee her son's caring activities from within the dwelling. I, therefore, find that no inequality of opportunity would arise if the stables could not be seen from a replacement dwelling at the site, that the siting is not required to eliminate disadvantage, discrimination, harassment or victimisation, or to meet the appellant's particular needs.
13. For the above reasons, I give the justification for the proposed siting limited weight in my decision.

Other Matters

14. The Authority's first reason for refusal identifies harm from new residential development in the open countryside. As there would be no net increase in dwellings, I find that those considerations relating to general matters of settlement policy and the broad location of development to be of little relevance to my decision.

Conclusion

15. I have found harm to the landscape and scenic beauty of the National Park and a consequential conflict with the development plan, considered as a whole. The harm would arise from the siting of the dwelling. For the reasons given, I have attributed only limited weight to the material considerations presented in favour of the proposed siting. Material considerations do not, therefore, indicate that a decision should be taken otherwise than in accordance with the development plan.
16. For these reasons, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR