



Appeal Decision

Site Visit made on 20 July 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/F9498/W/21/3270497

Springwater Farm, Maunsborough Lane, Elworthy TA4 3PY

- 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 Andrew McKelvey (Nanlann Limited) against the decision of Exmoor National Park Authority.
 - The application Ref 6/31/20/101, dated 15 November 2019, was refused by notice dated 17 September 2020.
 - The development proposed is first floor extension to agricultural building to provide office space to be used ancillary to the main dwelling house together with timber cladding and construction of first floor bridge.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension to agricultural building to provide office space to be used ancillary to the main dwelling house together with timber cladding and construction of first floor bridge at Springwater Farm, Maunsborough Lane, Elworthy TA4 3PY in accordance with the terms of the application, Ref 6/31/20/101, dated 15 November 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew McKelvey (Nanlann Limited) against Exmoor National Park Authority. This application is the subject of a separate Decision.

Preliminary Matters

3. I have used the description of the development from the appeal form, as the evidence indicates that it more accurately describes the proposal than that given on the application form.
4. During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. The Council's reason for refusal refers to paragraphs 170 and 172, which have been re-numbered 174 and 176 in the revised version. Both parties have been given the opportunity to make comments relating to the updated Framework.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the dwelling and the surrounding landscape.

Reasons

6. Springwater Farm lies on the eastern edge of Exmoor National Park, in an area of attractive open countryside, which is characterised by an undulating patchwork of agricultural fields, separated by native hedgerows and trees. It is one of a loose scatter of three dwellings located near the acute junction of Silverdown Hill with a Public Right of Way (PROW) known as Maunsborough Lane. The house is situated in an extensive residential curtilage, with an access drive rising up the slope from the PROW. Although it is a large two-storey house, the presence of significant hedgerows to the north of the site, and along the PROW, coupled with the rising land to the west, means that it is not a particularly prominent feature in the landscape.
7. The agricultural building lies behind the house, in the north western corner of the residential curtilage. It is a single-storey building of utilitarian appearance, with a shallow mono-pitched profile steel roof. It is cut into the slope of the land, such that its roof is at a similar level to the field beyond the boundary fence to the west. Its low-profile results in it being largely hidden from view by the topography, the hedgerow to the north, and the two-storey house to the east. Consequently, it has little impact on the character of the surrounding countryside, which retains an intrinsic beauty, commensurate with its National Park designation.
8. I have a duty, under Section 62 of the Environment Act 1995, to have regard to the purposes for which National Parks are designated. One of these is to conserve and enhance their natural beauty, wildlife, and cultural heritage. Paragraph 176 of the Framework also says great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
9. The proposal involves the addition of a first floor over the entire footprint of the existing agricultural building, to provide approximately 94 square metres of office space. The ground floor of the building would remain in agricultural use. The office space would be used for a combination of the applicant's various off-site business interests, and also in connection with the deer farming enterprise on the adjoining land. Policy SE-D1 of the Exmoor National Park Local Plan 2011-2031 (the Local Plan) addresses home based businesses, and, in certain circumstances, supports new outbuildings for these uses within a residential curtilage, provided there is no adverse impact on the landscape or the amenity of the area.
10. The proposal would result in a substantial increase in the scale and massing of the existing building. However, its footprint would not be extended, and the flat, green-roofed design would result in the additional height being limited to 2 – 3 metres. As the building would be set much further back than the house, which is a considerably bigger building with a pitched roof, it would still appear as a subservient building. Furthermore, its apparent scale would be reduced, as the ground floor is cut into the slope of the land, resulting in a single storey appearance when viewed from the west. It would occupy a very small part of the overall residential curtilage, and would be set against the backdrop of an

expansive rising landscape. Taking all of these factors into account, the scale and massing of the building would not be disproportionate with the existing house or its landscape setting.

11. The form and design of the building is a departure from the architectural style of the existing house. However, the flat roof would reduce the scale and, together with the contrasting design and materials, would contribute to the building retaining a subservient visual relationship to the dwelling. The house is, in any event, not particularly characteristic of the local vernacular, or of such architectural value that it should dictate the design of an ancillary outbuilding.
12. The green roof and timber cladding would be reflective of its rural setting, and would be more successful in assimilating the building into the landscape than a similarly sized building based on the design and materials of the house. Furthermore, although the design and materials of the building would contrast with the house, its low-profile, timber-cladding, and excavation into the slope of the land, would be in keeping with the large agricultural building that has recently been constructed to the south of the house, and which sits comfortably in its landscape setting.
13. The building would include some large full-height windows, but most of these would face towards the boundary hedge, or the rising land to the west. The one in the front elevation would be visible up the driveway from the PROW, but from here it would be seen in the context of the numerous large windows in the house in the foreground, so would not be an incongruous feature. Light would spill from the windows during hours of darkness, but as the building would be used as an office, it is unlikely to be regularly lit at night. In any event, the office use would be ancillary to the dwelling, so when lighting was required in the office space, less would be required in the house. The net increase in light spill from the site as a whole would not, therefore, be significant.
14. Despite its increased height and contrasting design, the building and first-floor bridge would still be largely hidden from public view by the trees and hedgerows to the northern boundary, and along Silverdown Hill and the PROW, and by the rising land to the west. My attention has not been drawn to any medium or long-distance public vantage points from which the development would be prominent in its landscape setting. From nearby, it would only be readily visible from a short stretch of the PROW, directly in front of the access drive. From here it would be seen in the context of the existing house and its residential curtilage, so would not intrude into views of the National Park landscape.
15. I am mindful that my visit took place during summer, when the trees and hedges were in full leaf. It is therefore possible, that at other times of the year, the building may be glimpsed from other parts of the PROW. However, I saw that a hedge has been planted along the eastern boundary of the residential curtilage, at a higher level than the PROW, which will in time provide an effective screen at all times of the year. Consequently, the building would not be a prominent or harmful feature in views from the PROW.
16. I therefore find that the scale, form, and general design of the building would conserve the landscape and scenic beauty of the National Park. I am also mindful that, following the Council's decision, the Design Review Panel's comments were generally supportive of the proposal, and concluded that it

would not have a detrimental impact on the character and visual amenity of the surrounding landscape. Whilst supportive of the architectural approach, the Panel recommended that simplifying the pattern and extent of the cladding may help to visually soften the building, and reduce its perceived massing and scale. Paragraph 133 of the Framework advises that regard should be had to any recommendations made by design review panels. I have therefore imposed a condition to secure the recommended amendments to the detailed design and extent of the cladding.

17. It has been suggested that the need for office accommodation could be met within the dwelling, or a new building closer to it, and that the farm office could be accommodated in one of the existing agricultural buildings. However, as there would be no unacceptable adverse impact on the landscape or the amenity of the area as a result of the proposal, there is no reason for me to consider whether these alternatives would be achievable.
18. For the reasons given above, I conclude that the development would not have a harmful effect on the character and appearance of the dwelling or the surrounding landscape. The proposal would, therefore, accord with Policies HC-D16, CE-S6, SE-D1, SE-S4, CE-S1 and CE-D1 of the Local Plan. Taken together, these policies seek to conserve the distinct landscapes of the National Park; secure high quality sustainable design in developments; and ensure that outbuildings within the curtilage of a dwelling are of a proportionate scale and massing, with no adverse impact on the character, appearance or setting of the existing dwelling or surrounding landscape. The development would also meet the Framework's aim of conserving and enhancing the natural environment.

Conditions

19. As well as a condition to secure the Design Review Panel's recommended amendments to the detailed design, I have imposed a condition limiting the period within which the development must commence. This is necessary to comply with the legislation. I have also included a condition specifying the relevant plans, as this provides certainty for all parties. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance. Where I have agreed that the conditions are necessary, I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
20. To safeguard the visual amenity, landscape character and dark night sky of the National Park, a condition limiting the extent of external lighting that should be installed on the building is reasonable and necessary. Conditions are also necessary to ensure that the ground and first floors are used for the purposes that justify the building in this countryside location.
21. Paragraph 174 of the Framework advises that planning decisions should minimise impacts on and provide net gains for biodiversity. There is no evidence that the development would cause any harm to biodiversity, and the planted roof would provide additional habitat. A condition requiring any further measures would therefore be unnecessary and unreasonable.

Conclusion

22. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Other than to comply with Condition 3 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 18-39B.01 – Location Plan & Block Plan; 18-39B.02 – Existing Garage; 18-39B.03 – Proposed Office; 18-39B.12 – Existing and Proposed Garage Sections.
- 3) Notwithstanding the details shown on drawings numbered 18-39B.03 and 18-39B.12, no timber cladding shall be installed on the exterior of the building until details of its extent and orientation have been submitted to and approved in writing by the local planning authority. The approved cladding, and any consequential elevational modifications, shall be completed in accordance with the approved details prior to the first use of the office space hereby permitted.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no new external lighting shall be attached to the building hereby approved without the prior written approval of the Local Planning Authority. Any approved lighting shall be installed and operated in accordance with the approved details.
- 5) The ground floor of the building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.
- 6) The first floor of the building hereby permitted shall not be used other than as a home office ancillary to the dwelling known as Springwater Farm, Elworthy, and/or as a farm office ancillary to the operation of the farming enterprise operated at Springwater Farm, Elworthy. The office space shall not be used as primary living accommodation (including additional sleeping accommodation and extra living space) and shall not be let, sold, or disposed of separately from the dwelling.