
Appeal Decisions

Site visit made on 22 November 2021

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal A Ref: APP/Y1138/W/21/3279982

Verbeer Manor, Willand, Cullompton, Devon, EX15 2PE.

- 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 Diggerland against the decision of Mid Devon District Council.
 - The application Ref. 20/01851/FULL, dated 30 October 2020, was refused by notice dated 12 February 2021.
 - The development proposed is described as the *conversion of existing redundant bar and restaurant into 3 self contained high quality apartments.*
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Appeal B Ref: APP/Y1138/Y/21/3279984

Verbeer Manor, Willand, Cullompton, Devon, EX15 2PE.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Diggerland against the decision of Mid Devon District Council.
 - The application Ref. 20/01852/LBC, dated 30 October 2020, was refused by notice dated 12 February 2021.
 - The works proposed are described as the *conversion of existing redundant bar and restaurant into 3 self contained high quality apartments.*
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Decisions

1. Appeal A is dismissed and appeal B is allowed. Listed building consent is granted for the conversion of existing redundant bar and restaurant into 3 self-contained high quality apartments at Verbeer Manor, Willand, Cullompton, Devon, EX15 2PE. Consent is granted in accordance with the terms of application Ref. 20/01852/LBC, dated 30 October 2020, the plans submitted therewith and the conditions set out in the attached Schedule.

Main Issues

2. The three main issues are: firstly, whether the proposals would preserve the Grade II listed building known as Verbeer Manor or its setting or its features of special architectural or historic interest (both appeals); secondly, whether the proposal would be likely to result in any harmful loss of employment premises (appeal A only) and; thirdly, whether proposed Flat 8 would provide adequate living conditions for future occupiers, having particular regard to likely room temperatures (appeal A only).

Reasons

Planning Policy

3. The development plan includes the Mid Devon Local Plan 2013-2033 (LP). My attention has been drawn to numerous policies. The most important policies to

the determination of appeal A¹ are: DM1 (high quality design); DM9 (conversion of rural buildings); DM19 (protection of employment land) and; DM25 (heritage assets).

First Main Issue – Impact on Verbeer Manor (Both appeals)

4. The two storey stone and cob plastered Verbeer Manor dates from the early 16th century. This late medieval manor house was extended during the 18th century and further enlarged and altered during the 19th and 20th centuries. The 20th century alterations and additions include a sizeable aluminium framed and slate roof conservatory on the north west elevation. This former substantial house has previously been used as a hotel, bar/nightclub and restaurant uses. I understand that these commercial uses ceased about 10 years ago. Much of this listed building is currently vacant/unused.
5. Although much altered over time, including changes to its setting, the significance of Verbeer Manor is derived primarily from its special architectural and historic qualities. These include its plan form with through passage, windows/window arrangement, front entrance porch, slate roof with brick chimney stacks, chamfered ceiling beams, fireplaces, the surviving 16th, 18th and 19th century fabric and the building's past associations with agricultural activities within this part of Mid Devon. The 20th century alterations and additions to the building do not contribute to its significance. Moreover, the modern conservatory, by reason of its size, design and materials/finish, is at odds with the heritage interest of this designated heritage asset.
6. The proposed works would include some new internal walls in part of the ground floor of the listed building, including the modern conservatory. These and other associated works, including the external alterations to the 20th century additions to the building, would not entail the harmful loss or disturbance of any important historic fabric. The works would not detract from the plan form of this listed building or an appreciation or understanding of its significance. The re-use of this part of the building for residential purposes would be in keeping with its historic character and would reflect its original use.
7. The plans and supporting information provide adequate information for me to reach the finding that the proposed works would not harm the significance of this important building. I also note that the Council's Conservation Officer was satisfied that there would be no harmful impact upon this listed building. Moreover, the proposed development would ensure that this part of the building no longer remained vacant/unoccupied. It would secure an acceptable, long-term future use and avoid the risk of decay and deterioration to the fabric of this important building. This would be of public benefit as it would assist in safeguarding the future of a designated heritage asset.
8. I conclude on the first main issue that the proposals would preserve the Grade II listed building known as Verbeer Manor and its features of special architectural and historic interest. There would be no conflict with the provisions of LP policy DM25.

Second Main Issue – Loss of Employment Premises (Appeal A only)

9. LP policy DM9 permits the conversion of redundant or disused rural buildings of substantial or permanent construction which positively contribute to an area's

¹ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

rural character for residential purposes and where proposals satisfy specified criteria. As noted above, the appeal site has not been in use for many years. It is also of substantial construction and forms part of a building which, overall, makes a positive contribution to the rural character of the area. The site has suitable access and the development would not entail any significant alteration, extension or rebuilding. The proposed design would retain the building's character and that of its surroundings, and would not have any adverse impact upon biodiversity. The development would accord with LP policy DM9.

10. LP policy DM19 is aimed at protecting employment land. Non-employment use of such land is permitted where there is no reasonable prospect of the site being used for employment purposes. Alternative uses are permitted where there is a sufficient range of suitable and available employment sites in the local area and no commercial interest has been demonstrated by way of a minimum 18 months marketing campaign.
11. As already noted, some businesses operating from the premises have failed and these commercial uses ceased many years ago. Furthermore, whilst permission/consent has previously been granted to use the building for offices, no such alternative use has taken place. I note the appellant's argument that commercial uses, including offices, would not be viable.
12. The appellant is unlikely to dismiss a realistic opportunity of securing an income from an alternative business/commercial use. There is also little to be gained from leaving a building, especially a designated heritage asset, vacant for a lengthy period of time. Given the length of time the appeal site has been unoccupied, the loss of these employment premises is unlikely to have a serious effect upon the local economy. Nevertheless, a range of employment sites/premises are necessary to support the rural economy.
13. I note the appellant's argument regarding permitted development rights for a change of use. However, in the absence of any meaningful evidence to demonstrate the availability of alternative employment premises, as well the lack of marketing information, the proposal has the potential to have a small, adverse effect upon the local rural economy. Given the proximity of the site to the M5 and Exeter, it is very far from certain that all office uses or another employment use could not be secured.
14. Without cogent evidence to support the appellant's argument, on balance, I conclude on the second main issue that the proposal would be likely to result in a harmful loss of employment premises. There is conflict with LP policy DM19.

Third Main Issue – Living Conditions - Flat 8 (Appeal A only)

15. Proposed flat 8 would comprise a two bedroom unit within the existing conservatory. LP policy DM1 requires new development to be of a high quality and includes a requirement for adequate levels of sunlight and privacy. This is consistent with the provisions of the National Planning Policy Framework that are aimed at seeking a high standard of amenity for future users of buildings.
16. The proposal includes replacing some existing glazing in the conservatory with opaque white spandrel panels with insulated backing, along with some new opening casement windows to provide ventilation and act as a means of fire escape. As I saw during my visit, this part of the building is also adjacent to some tall trees, which is likely to provide some shading.

17. The appellant is very familiar with how this part of the building operates and I note that the roof is insulated. However, I share the Council's concerns that notwithstanding the proposed alterations, occupiers of this proposed residential unit would, by virtue of the extensive glazed walls, be likely to experience considerable fluctuations/variations in room temperature, especially during the summer period, when the heat from the sun could create rather uncomfortable living conditions inside the living room and kitchen. The glazed external walls would also be unlikely to provide occupiers with adequate privacy.
18. I conclude on the third main issue that proposed flat 8 would fail to provide adequate living conditions for future occupiers of this new residential unit. The proposal would conflict with the provisions of LP policy DM1.

Other Matter

19. The Council has informed me that it has in excess of five years housing land supply (HLS). Be that as it may, the housing requirement is not a ceiling and the proposal would make a very small contribution to increasing the overall supply of homes without entailing the loss of any greenfield land.

Planning Conditions (Appeal B only)

20. In addition to the 'standard' condition requiring works to commence within three years, conditions requiring details of the proposed internal walls, partitions and screens, as well as details of any works to the exterior of the building that are not specified on the approved plans, would be required to safeguard the character and appearance of this listed building. All other conditions suggested by the Council would be unnecessary.

Overall Conclusions

21. I have found that there would be no harm to the heritage interest of Verbeer Manor and there would be a public benefit in securing the re-use of this designated heritage asset for residential purposes. Listed building consent should therefore be granted and appeal B succeeds. This public benefit and the 'other matter' in respect of HLS above, would be sufficient to outweigh the loss of employment premises. However, when my findings in respect of the likely living conditions for the occupiers of flat 8 are also weighed, the planning balance tips against granting planning permission. Appeal A therefore fails.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS – APPEAL B

1. The works hereby permitted shall commence before the expiration of three years from the date of this decision.
2. No internal walls, partitions or screens shall be constructed/provided until details of the design, materials, external finish and means of attaching these to existing walls have been submitted to and approved in writing by the Local Planning Authority. These works shall be undertaken in accordance with the approved details.

3. Other than the works to the walls of the existing conservatory and those other external works specified on the approved plans, all other works to the external walls and roof of the building shall be finished using painted plaster on the walls and natural slates on the roof to match the existing building.