



Appeal Decision

Site Visit made on 16 December 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/W1145/W/21/3273992

Barn at Brightmanshayes, Petrockstow, Okehampton, Devon EX20 3EY

- 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 John Ensall against the decision of Torridge District Council.
 - The application Ref 1/0299/2020/FUL, dated 26 March 2020, was refused by notice dated 19 November 2020.
 - The development proposed is to redevelop a traditional stone barn for residential use.
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Decision

1. The appeal is allowed and planning permission is granted to redevelop a traditional stone barn for residential use at Barn at Brightmanshayes, Petrockstow, Okehampton, Devon EX20 3EY in accordance with the terms of the application, Ref 1/0299/2020/FUL, dated 26 March 2020, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The address for the appeal site has been taken from the appeal form as the application form contained insufficient details.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site includes an old barn situated in a grass field. A strip of unmade land through the field connects the barn with a small area of land which is located at the end of an unmade track that provides access to the highway. Located in the open countryside, the site is set within a rural area which has an agricultural character and contains scattered development. The barn is in a remote, isolated position and is not particularly visible in the locality due to its modest size, topography and the presence of woodland. Although it was evidently once an attractive barn, its current condition means that it reads as a somewhat negative feature and does not positively contribute to the character and appearance of the surrounding area.
5. The barn is in quite a state of disrepair, with much of its roof missing, some fallen sections of wall, and the eastern wall¹ was propped up with metal supports at the time of my site visit. There are also various cracks in the walls, with a particularly notable, significant crack evident in the northern end of the east elevation.

¹ The submitted plans are inconsistent with regards to the labelling of the elevations, with Drawing No JE06 including incorrect orientations. When referring to a specific elevation, I have therefore used the submitted Location Plan and Existing Elevations (Drawing Nos JE01 and JE04) to identify which elevation I am referring to.

However, the submitted structural information – including the structural report, sketch and additional letter from the structural surveyor – indicates that the well-built barn has structural integrity, that the walls could be retained and repaired and the eastern wall stabilised without significant works or demolition, and the cracks could be stitched using stainless steel reinforcement.

6. The missing sections of wall, which includes the south-west corner of the building and the stonework that has fallen down around the originally large opening in the eastern elevation, would need rebuilding. However, the submitted evidence indicates that the extent of the rebuilding work would equate to some 4.4% of the total wall area and the structural survey identifies that the fallen sections of wall could be readily rebuilt. Although only approximately one third of the roof remains, the surveyor also indicates that it is readily capable of being rebuilt and it seems to me that there is no reason why the roof could not be repaired in theory. Furthermore, even if the proposed development were to effectively result in the roof being replaced, the re-provision of the roof with the A-frame truss proposed would not equate to significant or substantive rebuilding works.
7. Reflecting this, the structural surveyor concludes that the barn could be converted without substantive rebuilding, the existing wall foundations would be capable of supporting the loads from the converted building and the walls are of sufficient construction to support the repaired roof. Furthermore, although the appeal proposal includes some external alterations, such as the installation of windows in the existing openings and the creation of new openings for a door and two small windows, the alterations would not be significant. The development would therefore equate to a conversion rather than a re-build and would not involve significant external alteration, extension or substantive rebuilding. In coming to this view, I have taken account of the Hibbitt judgement and the details in the Council's appeal statement which refer to its Frequently Asked Questions (August 2019) document. Amongst other aspects, that document includes definitions of 'significant' and 'substantive', references to replacing walls and roofs, and sets out that the total works must not be so extensive that...they could no longer reasonably be considered to result in the conversion of the existing building.
8. The proposed development would result in the building taking on a domestic appearance, and the submitted Block Plan shows an area of permeable paving and grassed amenity space around the building. However, the external amenity space would cover a relatively small area while the domestic appearance of the building and site – including from the associated paraphernalia likely to be found in the garden – would not, given its isolated setting, be particularly visible in public views. Although a domestic use within the field would not reflect the agricultural nature of the locality, the appeal proposal would relate to the scattered development in the wider area. In addition, with the walls remaining as natural stone, the original character and traditional appearance of the building would be retained and it would read as a barn conversion sympathetic to its rural locale. On this basis, repairing and converting the modest barn as proposed would also improve the building's setting and protect the wider rural character compared to the existing situation or indeed if its condition were to deteriorate further.
9. The track to access the proposed parking area already exists. It runs between fields with hedges and fencing along its entire length. However, although some parts of the long track are hardened by stone, I observed on my site visit that it has a generally soft – and sometimes muddy – surface. Although this surface appears to be sufficient for agricultural purposes, it would not be suitable for the majority of domestic vehicles, especially when the ground is wet. The track and the proposed parking area would likely therefore need to be finished with a suitable

surface, as would the proposed footpath. However, it has been suggested that stone from the quarry – where the parking area would be – could be used and there is little substantive evidence before me which indicates that surfacing of the track and the creation of the parking area and footpath, to make them suitable for domestic use, would require significant engineering works. It seems to me that there is also no reason why the laying of stones could not be done in a sensitive manner and which would preserve the area's rural character. Accordingly, suitable highway access could be provided. The length of the proposed footpath between the proposed parking area and the barn does not lead me to a different conclusion.

10. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with Policy DM27 of the North Devon and Torridge Local Plan 2011-2031 (NDTLP). Amongst other aspects, this sets out that the conversion of redundant and disused rural buildings will be supported where the proposal will have a positive impact on the immediate setting of the building and protect the wider rural character, development can be achieved without significant external alteration, extension or substantive rebuilding, and suitable highway access can be provided.

Conditions

11. I have had regard to the various planning conditions that have been suggested by the main parties. I have considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. A condition relating to archaeology is necessary given the age of the barn and its historical importance. Although the appellant has subsequently queried the scope of the archaeological survey and whether the whole archaeological package is needed in this case, their appeal statement indicates their acceptance to undertake such a survey and the condition, as written, allows for the appellant and Council to agree what level of survey is actually necessary bearing in mind the extent of the works proposed.
13. A condition requiring the submission of details regarding the proposed access to the barn is necessary in the interests of the visual amenity of the area and highway safety. A condition relating to drainage is necessary to ensure that the development is served by suitable drainage. I have also imposed a condition relating to wildlife, including requiring the development to be carried out in accordance with the compensation, mitigation and enhancement measures detailed in the appellant's Bat Emergence Survey. In line with NDTLP Policies DM08 and ST14, this condition is necessary to ensure that the development would not have adverse effects on wildlife and their habitats, and to ensure that protected species are preserved in accordance with the legislative protection afforded to them. Accordingly, and on the basis of the submitted evidence, I am also satisfied that an offence under the Habitats Regulations would be unlikely and that there is no reason in principle why a protected species/disturbance licence would not be granted.
14. The PPG indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Nevertheless, the nature and position of the site indicate that in this instance such a condition is necessary and reasonable in the interests of the visual amenities of the area.

Conclusion

15. For the above reasons, the appeal is allowed.

T Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No JE01); Block Plan (Drawing No JE02); Existing Floor Plan (Drawing No JE03); Existing elevations (Drawing No JE04); Sectional View (Drawing No JE05); Proposed Elevations (Drawing No JE06); Proposed Drainage Plan (Drawing No JE07); Proposed Floor Plan (Drawing No JE08); Proposed Sectional View (Drawing No JE10); and Proposed Roof Plan (Drawing No JE12).
- 3) Prior to the commencement of the development hereby permitted, full details of the proposed access, including the surfacing materials, levels, surface water drainage, landscaping measures/boundary treatments, visibility splays and passing bays, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the access shall be completed in its entirety in accordance with the approved details, including any landscaping/boundary treatments, prior to the residential occupation of the building.
- 4) No development shall take place until the applicant (or their heir or successor in title) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the agreed scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.
- 5) The development hereby permitted shall not be occupied until drainage works to serve the proposed development have been completed in accordance with the 'Proposed Drainage Plan' (Drawing No JE07) received by the Council on 14 April 2020.
- 6) The development hereby permitted shall be carried out in accordance with the recommendations set out within the Technical Report: Bat Emergence Survey (by Brookside Ecology, dated May 2020). For the avoidance of doubt, the bat boxes and bird nesting boxes shall be integrated into the external elevations (as shown in figure 2 of the report) and the barn owl box shall be installed on a nearby mature tree prior to the residential occupation of the building.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in Classes A-E of Part 1 and Class A of Part 2 of Schedule 2, other than that hereby permitted, shall be carried out without the further grant of planning permission.

END OF SCHEDULE