The Planning Inspectorate

Appeal Decision

Site visit made on 23 February 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2022

Appeal Ref: APP/F9498/W/21/3284376
Sparhanger Equestrian Centre & Farm, Barbrook, Lynton, Devon EX35 6LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Sanders against the decision of Exmoor National Park Authority.
- The application Ref 62/41/21/017, dated 8 June 2021, was refused by notice dated 12 August 2021.
- The application sought planning permission for proposed replacement of staff and welfare/office building, retrospective, without complying with a condition attached to planning permission Ref 62/41/19/032, dated 23 March 2020.
- The condition in dispute is No 2 which states that: *'Prior to 31st March 2021, the windows and doors currently in the application building hereby approved shall all be replaced with replacement windows and doors that are only constructed from natural timber. The replacement windows and doors shall be retained as such thereafter, and any subsequent windows and doors shall only be constructed from natural timber.'*
- The reason given for the condition is: *'To ensure compliance with Policy CE-S6 of the Exmoor National Park Local Plan 2011 - 2031 by replacing the incongruent windows and doors in the application building with replacement units that are constructed from traditional and naturally sustainable construction materials.'*

Decision

1. The appeal is allowed and planning permission is granted for proposed replacement of staff and welfare/office building at Sparhanger Equestrian Centre & Farm, Barbrook, Lynton, Devon EX35 6LN in accordance with application Ref 62/41/21/017, without compliance with condition No 2 previously imposed on planning permission Ref 62/41/19/032, dated 23 March 2020, but subject to the conditions in the attached schedule.

Procedural Matter

2. I have omitted the word 'retrospective' from my decision above as it does not relate to an act of development.

Background and Main Issue

3. Sparhanger is an equestrian centre and working farm centred on its farmhouse within Exmoor National Park. Mapping indicates that the farmhouse dates from at least 1840 and I have no reason to disagree with the Authority's assessment of it as a non-designated heritage asset. Within this context, I am also cognisant of my duty to have regard to the purposes for which National Parks are designated, including to conserve and enhance their cultural heritage.

4. In 2020 the Authority granted permission, under Ref 62/41/19/032, for the replacement of a portacabin housing Sparhanger's staff and welfare/office facilities with the building which now stands in its place. The building has a mixture of uPVC and aluminium windows and doors and condition No 2 of the 2020 permission required their replacement in timber by 31 March 2021.

5. The main issue, therefore, is whether or not condition No 2 is reasonable or necessary, having regard to the character and appearance of the area, with particular reference to the farmhouse as a non-designated heritage asset.

Reasons

6. Policy SE-S3 of the Exmoor National Park Local Plan 2011-2031 (adopted 2017) (Local Plan) considers business development in the countryside. It allows for the replacement of existing buildings where there would be no significant increase in building size, and where there would be enhancement to the site, where necessary to deliver an overall acceptable scheme in landscape terms.

7. Policy CE-S6 1. b) of the Local Plan states that the materials and design elements of a new building should complement the local context through the use of traditional and natural sustainable building materials. I do not interpret this to impose an absolute requirement that each and every finish material must be traditional before a building can be found to be complementary. Rather, site specific circumstances should be taken into consideration, and there are particular circumstances I find to be relevant at the appeal site.

8. The photographic evidence before me shows that the portacabin that has been replaced was of a highly utilitarian, prefabricated appearance and of modern construction. The building that has replaced it, even with uPVC and aluminium doors and windows, is much more traditional and sophisticated, being clad in timber, with a pitched roof and a quite attractive verandah. This leads the development to result in a clearly enhanced design response for Sparhanger, complementary to its farm and equestrian buildings and the farmhouse itself.

9. As such, it is my conclusion that condition No 2 is not reasonable or necessary, having regard to the character and appearance of the area, with particular reference to the farmhouse as a non-designated heritage asset. Without it, the proposal accords with the landscape, heritage and design aims of Policies SE-S3, CE-S4 and CE-S6 of the Local Plan and the National Planning Policy Framework.

10. I therefore conclude that the appeal should be allowed and grant a new planning permission without the disputed condition but retaining those non-disputed conditions from the previous permission that appear still to be relevant. This has required me to update and modify the accord with plans condition, omitting its reference to the removed condition. In the interest of certainty, I have also amended the wording of condition No 3 to bring it in line with the description of development.

Matthew Jones

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 345/101, 345/102.

2) The building hereby approved, within the red line area on the approved drawing number 345/102, shall only be used in association with Sparhanger Equestrian Centre and Farm (edged in blue on the aforementioned plan). The building shall not be sold off, let out or otherwise disposed of from Sparhanger Equestrian Centre and Farm.

3) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 and the Town & Country Planning Use Classes Order 1987 as amended (or any order revoking and re-enacting those Orders with or without modification), the building hereby approved shall not be used other than as a staff and welfare/office building associated with Sparhanger Equestrian Centre and Farm.