



Appeal Decision

Site visit made on 26 April 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/J9497/W/21/3286197

Ashleigh, Grenofen, Tavistock, PL19 9EW

- 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 & Mrs Innes against the decision of Dartmoor National Park Authority.
 - The application Ref 0347/21, dated 30 April 2021, was refused by notice dated 6 September 2021.
 - The development proposed is the proposed conversion of semi-detached barns into ancillary accommodation to the main dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed conversion of semi-detached barns into ancillary accommodation to the main dwelling at Ashleigh, Grenofen, Tavistock PL19 9EW, in accordance with the terms of the application Ref: 0347/21, dated 30 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. There have been changes to the development plan since the Dartmoor National Park Authority (the DNPA) determined the planning application. The Dartmoor Local Plan 2018-2036 (the Local Plan) has now been adopted. This supersedes the policies in the DNPA Core Strategy (2008) and the Development Plan Management and Delivery Plan Document (2013). The DNPA and the Appellants have been provided with an opportunity to comment on the implications of these changes.

Main Issue

3. The main issue in this appeal is whether the proposed development is in a suitable location with particular regard to local and national planning policy.

Reasons

4. Ashleigh is a substantially scaled detached dwelling set within generous grounds, located within the settlement at Grenofen. Attached to the host dwelling by a stone wall over timber gates, is a two storey, stone built outbuilding which is described as a barn and/or stable block. The evidence before me indicates that the DNPA has identified the property to include the aforementioned outbuilding, as a non-designated heritage asset. By reason of its age, traditional form and design, I have no reason to disagree with the DNPA conclusion in that regard.

5. The appeal scheme seeks to convert the outbuilding into two separate units of two storey accommodation which, it has been put to me by the Appellants, would be used for ancillary accommodation tied to the main residence. The Appellants' submissions confirm that utility services for the proposed annexes would remain linked to the main residence.
6. Policy 2.7 of the Local Plan provides that all development must conserve and/or enhance heritage assets. For schemes proposing a change of use of non-designated heritage assets, development would only be permitted where any harm has been balanced against the significance of the asset and found to be reasonable and justified. Policy 2.8 of the Local Plan concerns the conservation of historic non-residential buildings and given the above finding regarding the identification of a non-designated heritage asset, is of direct relevance to the appeal scheme.
7. Amongst other matters, Policy 3.7 of the Local Plan provides that residential alterations will only be permitted where they reflect the design principles set out in the Design Guide, are subservient to the host dwelling, conserving and enhancing its character, appearance and immediate surroundings, and does not increase the habitable floorspace of the property by more than 30%. This policy further confirms that, in terms of ancillary accommodation, any permission would be subject to a planning condition or planning obligation that ties the accommodation to the host dwelling.
8. The evidence before me indicates that the appeal scheme would not increase the overall habitable floorspace of the property by more than 30%. The appeal scheme proposes to retain the external appearance of the outbuilding, making repairs where necessary and would provide benefits in terms of the long term preservation of the building. Furthermore, based on the evidence before me and observations made on my visit, given the close relationship of the relative buildings, their scale and that only minor alterations to external appearance of the eastern elevation of the outbuilding are to be made to replace doors with barn style windows, in my view the converted outbuilding would remain subservient to the host building in terms of scale, character and appearance.
9. In light of the above reasons, I find that the appeal proposal would conserve the identified non-residential, non-designated heritage asset and its setting with no significant new openings being proposed, would respect Dartmoor's vernacular without harm to the landscape and scenic quality of the National Park, and would remain subservient to the host dwelling in terms of position, scale and appearance. Consequently, the appeal scheme would comply with the requirements of Policies 1.2, 1.5, 2.1, 2.7, 2.8 and 3.7 of the Local Plan. For the same reasons the appeal proposal would accord with the National Planning Policy Framework with regards to conserving and enhancing the natural and historic environments. Subject to the application of planning conditions described below, I further find no conflict with Policies 1.6 or 3.1 of the Local Plan which concern meeting housing needs and sustainable construction.

Conditions

10. I have considered the conditions put forward by the DNPA against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.

11. In order to ensure that the development takes place without adverse ecological impacts or adverse effects on protected species, a condition requiring the implementation of the measures contained within the protected species survey report is required to ensure that the proposal accords with Policy 2.2 of the Local Plan. For similar reasons in relation to the effects on protected species, and in compliance with Policy 2.6 of the Local Plan, a condition restricting external lighting is reasonable and necessary. Furthermore, and to ensure that the scheme provides a proportionate contribution, a condition requiring details of biodiversity enhancement is necessary.
12. To ensure that the appeal scheme remains ancillary to the main residence, a condition restricting use of the annexes for that purpose is necessary in order to prevent the creation of unjustified separate dwellings within the National Park. In the interests of protecting the character and appearance of the appeal property and its surroundings, conditions requiring details of rooflights and the materials to be used in respect of the roof, doors and windows, is necessary.
13. The DNPA has also suggested a planning condition that would remove permitted development rights at the site to prevent extensions and so that no new openings be created or installed without prior consent from the DNPA. The Planning Practice Guidance states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. For the reasons given above, I consider that the appeal scheme's effect on the character and appearance of the site and its surroundings, is acceptable.
14. The DNPA's concerns regarding the impact of using permitted development rights, given in their reasons for seeking such a planning condition, are noted. However, those permitted development rights are given subject to requirements that are designed to ensure that development that is carried out would be appropriate. Furthermore, any concerns which the DNPA may have regarding the appeal scheme being used as separate dwellings would be restricted by the terms of the condition described above and which ties the ancillary accommodation units to the host dwelling. I, therefore, do not find that it is necessary to restrict permitted development rights relating to the appeal property, including structures such as the outbuilding to be converted.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Site Location Plan 21015 001 PL1, Site Block Plan 21015 002 PL1, Proposed Site Plan 21015 007 PL2, Proposed Floor Plans 21015 008 PL1, Proposed East and West Elevations 21015 009 PL2, Proposed North and South Elevations 21015 010 PL1, Illustrative Front View 21015 011 PL1, received by the Local Planning Authority on 2 July 2021.
3. No work shall commence until the Local Planning Authority has been provided with a copy of a Licence for Bats issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from Natural England that such a licence is not required.
4. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements stated within the Protected Species Survey by Richard Green Ecology Ltd, dated June 2021, subject to any variation required by Natural England under any license it may issue. This planning condition shall only be discharged when a suitably qualified ecologist confirms in writing to the Local Planning Authority that the recommendations and requirements have been implemented.
5. At no times shall any external lighting be installed or used in association with the development hereby approved.
6. The roof of the development hereby approved shall be covered in natural slate to match the existing, and which shall be fixed by nailing only.
7. Prior to the installation of any replacement rooflight in the development hereby approved, details of the proposed rooflight shall be submitted to the Local Planning Authority for approval; thereafter, only approved rooflights shall be used in the development.
8. All external doors and windows in the development hereby permitted, shall be of timber construction and shall at all times thereafter be retained as timber framed doors and windows.
9. The development hereby permitted shall not be used or occupied other than for purposes ancillary and subservient to the residential use of the existing dwelling and shall not at any time be used, let, sold or otherwise occupied as a separate unit of accommodation.

10. Within three months of the date of this decision notice, full details of a biodiversity enhancement scheme that complies with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain), shall be submitted to the Local Planning Authority for approval in writing. Thereafter, the approved enhancement measures shall be completed prior to the first occupation of the development hereby approved and shall be maintained in perpetuity.