



Appeal Decision

Site visit made on 26 May 2022

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

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Ref: APP/Q1153/W/21/3288612

West Raddon Farm, Lewdown, Okehampton EX20 4PS

- 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 Dr & Mrs S Chaplin against the decision of West Devon Borough Council.
 - The application Ref 2748/21/FUL, dated 9 July 2021, was refused by notice dated 15 October 2021.
 - The development proposed is the conversion of holiday barn to permanent residential use.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Dr and Mrs S Chaplin against West Devon Borough Council (the Council). This application is the subject of a separate Decision.

Main Issues

3. Since the planning application was determined and the appeal lodged, the Council has withdrawn its reason for refusal in relation to the effect of the proposed development on biodiversity. The Appellants have been made aware of this change to the reasons for refusal and have had the opportunity to comment. Therefore, the third reason for refusal given by the Council on the Decision Notice no longer applies to this appeal and, accordingly, I have considered it appropriate to identify two main issues and determine the appeal on this basis.
4. The main issues in this appeal are:
 - Whether the works proposed would preserve the special architectural or historic interest of the appeal building; and,
 - The effect of the appeal scheme on the setting of listed buildings at West Raddon Farm.

Reasons

The Appeal Building

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant

planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

6. The National Planning Policy Framework (the Framework) provides that when considering the impact of a proposed development on the significance of a designated heritage asset, including any contribution made by its setting, great weight should be given to the asset's conservation. Any harm to designated heritage assets should require clear and convincing justification in line with paragraph 200 of the Framework.
7. West Raddon Farm comprises land and a cluster of buildings in a remote location within the countryside. The appeal building is an early to mid-nineteenth century structure, spread laterally into a shippon and cartshed, constructed in stone rubble with a slate roof and which exhibits a number of timber framed openings at ground and first floor level on its west elevation. These factors mean its origins as an agricultural building are still clearly apparent. The appeal building is part of a farmyard group which have similar architectural features and historic value and I find that the significance of the appeal building is derived, in part, from its traditional rural appearance, its means of construction and its association with that farmyard group.
8. Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (the Local Plan) concerns place shaping and requires that development has proper regard to the pattern of local development and the wider development context and surroundings in terms of, amongst other things, style, visual impact and historic value.
9. The appeal scheme proposes the introduction of new windows at first floor level on the south and eastern elevations, which would result in the loss of some of the historic fabric of the appeal building. Whilst there are a number of discrete rooflights on the east elevation of the appeal building, the appeal proposal would also introduce two additional, substantially sized rooflights on that elevation.
10. In my view, the additional new glazed openings, accentuated by the proposed glazed doors to the front of the appeal building and which would replace timber doors, would detract from the traditional form of the building, causing harm, albeit less than substantial, to its special architectural and historic interest.
11. For the above reasons, I conclude that the appeal scheme would conflict with the provisions of Policy DEV20 of the Local Plan with regards to achieving a good quality sense of place and character through good utilisation of existing assets such as quality buildings. For the same reasons, the scheme would also fail to accord with those paragraphs of the Framework which concern achieving well designed places.
12. The Appellants have put it to me that a fallback position exists with regards to planning permission for conversion of the appeal building to holiday let use (the Fallback Scheme). Whilst I acknowledge the Council's comments regarding the appeal proposal being physically and conceptually different to the Fallback Scheme, there is a greater than theoretical possibility that the Fallback Scheme would be implemented in the event that this appeal was dismissed. As such, I consider that the change of use of the building to holiday let accommodation represents a realistic fallback position.

13. The Fallback Scheme would not introduce the additional new windows described above and thereby would retain a greater amount of the historic fabric of the building. Furthermore, the appeal proposal would introduce a greater degree of glazing at the site than that exhibited in the Fallback Scheme, including substantially sized rooflights, and which would detract from the traditional appearance of the building. Therefore, I find that the appeal scheme would be more harmful than the Fallback Scheme to the character, appearance and historic significance of the appeal building. As such, the presence of the Fallback Scheme does not lead me to different findings.

Setting of Listed Buildings

14. West Raddon Farm comprises a number of listed buildings including the main farmhouse, stables, barns and other farm buildings. The significance of these heritage assets is not only derived from their individual traditional form and appearance, but also derive part of their significance in being part of a visually and physically related group which formed a historic farmstead, thereby emphasising the rural origins of each building.
15. The Council maintains that the appeal scheme would result in the physical subdivision of the farmyard cluster of listed buildings through separate ownership, fragmenting that group and being harmful to the group significance of those heritage assets. In that regard, the Council has referred me to The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3, which indicates that changes to arrangements from fragmentation of ownership is a matter that should be considered in respect of assessing the impact of a proposal on the setting of historic assets.
16. The Appellants have put it to me that there is nothing to restrict or prohibit the sale or change in ownership of the appeal building and I acknowledge that there is no legal sanction in planning to stop fragmentation of ownership. However, and notwithstanding the submissions regarding removal of permitted development rights in terms of enclosure of the site, the proposed conversion to a permanent residential unit would still require planning permission. The Fallback Scheme to holiday accommodation would not result in the visual or physical fragmentation of the farmyard group, with the appeal barn remaining as an ancillary, subservient building to the main farmhouse.
17. However, the proposal before me and the provision of external amenity area to ensure adequate living conditions for future residents, would alter the visual relationship between the appeal building and the listed buildings that form the above described farmyard group, being detrimental to the setting of those listed buildings and resulting in harm, again less than substantial harm, to the significance of each of those heritage assets.

Heritage Balance

18. In terms of the Framework, the cumulative harm identified in relation to both main issues may fairly be described as less than substantial. Nevertheless, less than substantial harm does not equate to less than a substantial objection. Moreover, as noted above, the Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. Accordingly, and in line with the provisions of paragraph 202 of the Framework, this harm should be weighed against the public benefits of the scheme.

19. In this instance, the public benefits of the proposal would be limited to the delivery of an additional permanent housing unit and in relation to the very limited economic benefits in terms of employment opportunities during the conversion phase. The contribution of one separate permanent dwelling would be relatively limited and, cumulatively the public benefits of the appeal proposal would not outweigh the identified harm that would be caused to the designated heritage assets to which I attach significant weight in accordance with the provisions of the Framework.
20. In light of the above, the appeal scheme would conflict with Policy DEV21 of the Local Plan which, amongst other things, seeks to ensure that proposals conserve and where possible enhance the historic environment, including designated heritage assets and their settings, according to national and local significance. The proposed development would also fail to accord with those parts of the Framework which seek to conserve and enhance the historic environment.

Other Matters

21. The Appellants have referred me to another appeal which, it is maintained, demonstrates that there is little difference between a holiday let use and an unencumbered residential use. Whilst the very limited details provided in that regard are noted, this appeal does not concern the effects of a change of use of that nature, but rather considers matters regarding the effect that the proposed development would have on the character, appearance, significance and setting of designated heritage assets. Consequently, the cited appeal does not appear to be comparable to the considerations raised in this appeal. I have therefore determined this appeal based on its own merits.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR