
Appeal Decision

Site visit made on 26 July 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/K1128/W/21/3284914

Woodcourt Farm, Woodcourt Road, Harbertonford, Devon TQ9 7TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr R Symons against the decision of South Hams District Council.
 - The application Ref 0791/21/FUL, dated 2 March 2021, was refused by notice dated 24 August 2021.
 - The development proposed is described as a single storey extension including the demolition and replacement of existing roof structure to existing dwelling. Demolition of existing utility, storage and outbuildings associated with dwelling and replacement with single storey structure on same footprint to provide additional living space for dwelling. Extension to south end of replaced outbuildings to form new utility and garage spaces. New access to existing track and other associated landscaping works within the garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal concerns an application for planning permission. A related application for listed building consent was also refused by the Council, but this has not been appealed. It is not within the scope of this decision to assess the merits of such an appeal were it to be lodged.
3. The use of the cluster of attached buildings currently on the appeal site is disputed. It is again not within the scope of this decision to conduct an exercise as to lawful use or operation. The correct avenue would be for the appellant to apply for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 191 of the Act, in relation to which a separate right of appeal exists. I have nonetheless considered the matter insofar as it is material to this appeal.
4. As recently as 2020 the lawful use of only one of the buildings as a dwelling was established through the above mechanism. Why that use should now be considered to legitimately extend across the whole group is unclear. Nothing I observed at the time of my visit provided clarification, and no other evidence has been provided. Thus, notwithstanding the description of development in the banner heading above, I proceed on the basis that the lawful residential use remains as defined in 2020 and as set out by the Council.
5. Regardless of the outcome of this appeal, it remains open to the appellant to apply for a further CLEUD.

Main Issues

6. The main issues are

- whether the development would preserve the setting of a Grade II listed building;
- whether appropriate drainage could be provided; and
- the effect of the development on the local housing mix.

Reasons

Setting

7. Woodcourt Farm is a Grade II listed building, and thus a designated heritage asset. Whilst the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) sets out the desirability of preserving listed buildings and their settings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
8. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its age, historic fabric, and historic function as a farmhouse. The latter remains appreciable, partly given that the front elevation is viewed relative to a group of historic agricultural buildings. These help to roughly frame a yard, on the right-hand side of which stand the buildings subject of this appeal.
9. These predominantly consist of several modest timber clad structures, whose fabric is mixed in age, but largely modern. They also include a small stone building of earlier date, which is largely obscured by the timber structures, and otherwise of indeterminate past function. Consequently, whilst the generalised agricultural character of the buildings mean that they sit unobtrusively within the setting of the listed building, unlike the fine range of buildings opposite, they contribute little to its special interest or significance.
10. In view of the above, the proposed clearance of the timber structures would not give rise to harm. The fabric of the stone building would itself be absorbed within the overall form of the expanded dwelling. In this regard concern centres on the design of the latter.
11. The linear, pitched roof form of the 2 parallel ranges proposed would be roughly extrapolated from that of the existing buildings, and would partially follow the footprint of another building previously on site. To this extent the proposed form of the dwelling would generally echo that of single storey buildings traditionally used to house livestock. But though it would not therefore appear wholly out of place within a farmyard setting, the effect would be compromised by its embellishment with typically domestic details including a veranda. It would be further undermined by the failure of the design to directly respond to and harmonise with the surrounding topography. This would be reflected in the unbroken roofline, and the elevation of part of the ground floor well above the level of the adjacent yard. Each would cause the dwelling to appear unsympathetically scaled, and result in a sense of disconnection between it, and the historic farmyard. This would be further accentuated by the proposed partial severance of the yard with a boundary wall.

12. Most of the materials proposed would fall within the range typically found within an agricultural context, and most are indeed found on site at present. The use of 'contemporary' style timber cladding would however represent an obvious divergence in character, whose use in this instance would act to draw further attention to the adverse attributes of the design identified above.
13. Though the design has been partly promoted as better presenting the existing stone building, the latter would appear just as obscured, if not more so, than it is at present. Its past identity would remain indeterminate. No distinct benefit would thus derive from the way in which the stone building would be incorporated within the scheme.
14. Whilst not advanced as one the grounds of appeal, the appellant subsequently asserted that the buildings in question are not covered by the listing of Woodcourt Farm. The evidence before me is insufficient to reach any clear view on the matter. In any case, whether or not the buildings in question are considered as curtilage listed, I am satisfied that it makes no difference to my findings above.
15. I thus find that the development would modestly detract from appreciation of the historic agricultural role and context of the former farmhouse. As such, it would fail to preserve the setting of the listed building, contrary to the expectations of the LBCA Act. Harm to the significance of the listed building would be less than substantial. Such harm attracts considerable importance and weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
16. Insofar as it is claimed the development would enhance the setting of the farmhouse, my findings above indicate that the overall effect would be negative. Claimed enhancement does not therefore attract weight in favour of the scheme.
17. It is claimed that the scheme would reduce the need for development of greenfield land. However, insofar as the scheme would entail the extension of an existing dwelling, it is not immediately apparent how or why this would have any bearing on development elsewhere. This consideration does not therefore attract weight in favour of the scheme.
18. The development would otherwise provide expanded accommodation of benefit to the appellant. Such benefit would be private rather than public and thus does not attract weight.
19. The implementation of the scheme would generate building work. However, any benefits to the broader economy would be negligible, and accordingly attract negligible weight. That being so, harm to the significance of the listed building would not be outweighed by public benefits.
20. For the reasons outlined above I conclude that the development would fail to preserve the setting of a Grade II listed building. It would therefore conflict with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2013-2034 (the JLP), which seeks to secure development that conserves and where appropriate enhances the historic environment, and Policy TTV29 of the JLP, which requires extensions to be appropriate in scale and design within the context of the setting of the host dwelling.

Drainage

21. The drainage arrangements which currently exist in relation to the buildings and dwelling on site are unclear. Change would arise given the increase in domestic use of the site, and the likely increase in runoff from buildings and amenity spaces, each of which would be partly accommodated by cutting into the adjacent hill slope.
22. The submitted plans show the general location in which a treatment plant would be located and would discharge. However, no further details, other than confirmation that no connection to a public sewer would be possible, have been provided.
23. Provision of a treatment plant and any related drainage field would be subject to compliance with other legislation, including the Building Regulations. In this regard the likely ability of the scheme to comply is questionable given the limited space available, including the suggestion that discharge would occur beneath the access drive. The potential inability to provide appropriate drainage is of relevance to my assessment of the scheme given that this could prevent its proper implementation. Resulting uncertainty extends to the nature of the effects which might then arise in relation to the immediate environment, and to the living conditions of occupants. In the absence of evidence to the contrary, in neither regard can I be satisfied that unacceptably adverse effects would not occur.
24. Though conditions have been proposed by the Council, this contradicts the advice of the Council's drainage engineer which indicates that these could not be properly used to address the matter. It would not otherwise be appropriate to seek to duplicate other regulatory requirements. The matter could not therefore be resolved through the imposition of conditions.
25. I thus conclude that the appellant has failed to demonstrate that the development would be capable of accommodating appropriate drainage. The development would therefore conflict with Policy DEV2 of the JLP, which requires development to avoid unacceptable risk or harm to human health, the natural environment or living conditions.

Housing mix

26. Notwithstanding the Council's refusal of the scheme on the basis that it would involve inappropriate extensions, it also refused planning permission on the basis that the development would involve the inappropriate replacement of the existing dwelling. Clearly, the scheme cannot be considered to involve both.
27. The fact that there is an existing dwelling on the site, and the fact that this would form part of the development, indicates that the scheme would involve extension rather than a new or replacement dwelling. This is true regardless of the scale of the enlargements proposed, which the Council estimates would see a 300-400% increase in residential floorspace.
28. Insofar as replacement of existing buildings would occur, I have already established above that these neither form part of the existing dwelling, nor fall within an established lawful residential use.

29. The above being so, the Council's refusal of the scheme on the basis that it would involve an inappropriate replacement dwelling is not applicable, and nor are the cited JLP policies relating to the provision and mix of new homes.
30. The scheme instead falls to be considered in relation to Policy TTV29 of the JLP, which specifically relates to residential extensions in the countryside. Though I have identified conflict with this policy on other grounds above, it contains no further criteria which seek to limit the size of extensions based on floorspace, bedroom numbers or the local housing mix. Moreover, no other policy has been cited which does.
31. Insofar as the Plymouth and South West Devon Supplementary Planning Document 2020 addresses extensions involving additions in excess of 50% of the internal floorspace, consideration within this context is limited to design.
32. It remains the case that the development would result in a reduction in the availability of small units within the local housing stock, for which a demand exists. But insofar as the JLP seeks to address this issue through new housing provision rather than by restricting the size of extensions, no unacceptable harm would arise.
33. I thus conclude that the development would not have an unacceptable effect on the local housing mix.

Conclusion

34. For the reasons set out above the development would be unacceptable in relation to heritage and drainage matters, thus giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR