



Appeal Decision

Site visit made on 17 August 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2022

Appeal Ref: APP/J9497/D/22/3301136

The Cottage, Walkhampton, Yelverton, PL20 6JR

- 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 S Green against the decision of Dartmoor National Park Authority.
 - The application Ref. 0086/22, dated 21 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is demolition of section of wall to create off road parking with new vehicular gated access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice as this more accurately describes the appeal proposal.

Main Issues

3. The main issues are: (a) the effect of the proposed development on the character and appearance of the area, with particular regard to the sites location within the Walkhampton Conservation Area and the setting of a listed building; (b) whether the proposed development would have an adverse effect on potential archaeological remains; and (c) whether the proposed development would secure the necessary biodiversity enhancements.

Reasons

Character and appearance

4. The appeal site lies within the Walkhampton Conservation Area (WCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (July 2021) (Framework) and in Strategic Policy 2.7 of the Dartmoor Local Plan 2018-2036 (DLP) (December 2021).
5. The appeal site also lies within the setting of a designated Grade II Listed Building, namely Staddon's House & Cottage (Staddons - not Standons as referred to in the reason for refusal). Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 also requires, therefore, that special

regard must be had to the desirability of preserving this building's setting. Similar advice is again to be found in the Framework and in Strategic Policy 2.7 of the DLP.

6. The Council's Walkhampton Conservation Area Character Appraisal (Appraisal) was published in June 2017. As the introduction to the document states its purpose is to define and analyse the special interest which constitutes the character and appearance of the area, and the qualities that warrant its designation as a Conservation Area. The document provides a sound basis for decision making and assists in interpreting and applying the relevant heritage policies of the development plan.
7. As the Appraisal confirms and as I observed on my site visit, the appeal site forms part of the core of the village and an intrinsic and important part of the WCA, specifically the area in and around Staddons and Town Farm Triangle. Staddons, a Grade II Listed Building, is located directly opposite the appeal site, to the north. The Appraisal confirms that Staddons importance and value derives from the fact that it is one of the more unspoilt ancient houses in the village and is part of a key group of buildings at the heart of the Conservation Area. Indeed, the image of this property in figure 19 of the Appraisal is taken from the side of the appeal site and shows the setting of Staddons in relation to the road and the existing rear elevation and stone wall to the host property.
8. Further west of Staddons and the appeal site is Town Farm Triangle, an important group of building that includes Town Farm, a further Grade II Listed Building. This area is also defined in section 6 of the Appraisal as an important 'space', which is shown on Map 7 as extending along the road to the rear of the appeal site and up to its existing stone wall.
9. Section 5 of the Appraisal deals with 'Local Details and Street Furniture' and states that as there are largely no pavements within the village the road surface runs up to buildings or enclosing walls, which is a character feature of the WCA. It continues by stating that where the streetscene is not enclosed by buildings, they are bound mostly by stone walls, including stone rubble walls, which are, therefore, an important part of the areas fabric and character. This is reflected in the images reproduced in section 6, 'Spaces and Views' (and indeed the images in other sections), where a number of the 'views' include similar stone walls to that on the appeal site, demonstrating the importance of these features to the special historic interest of the WCA.
10. All of the above factors contribute, in my judgement, to the significance of the WCA as a whole.
11. Section 7 of the Appraisal recognises that within the older part of the village there has been some modern infill development. Whilst some of this has aesthetically been at odds with the vernacular buildings it sits alongside of, the document confirms that the establishment of the Conservation Area for the village core was seen as a way to ensure that any future changes were more sympathetic.
12. The appeal proposal would involve the demolition of part of the existing stone wall to create an off street parking space within the rear garden of the appeal site. The section of demolished wall would be replaced by timber sliding gates. The existing wall comprises rubble stone with a decorative carved coping and

- appears to be just under 2 metres in height. It is sited hard up against the road, on part of the northern boundary of the appeal site with that road.
13. Within the above context and as I observed on site, the existing wall is visually prominent and dominates this part of the streetscene. It creates a strong sense of enclosure given its height, length and the fact it is sited hard up against the road. As with other similar stone walls within the WCA, it is an important feature of architectural and historic interest. That importance is accentuated by the fact that the appeal site is located within the core of the WCA. Whilst it may be on the fringe of the Town Farm Triangle, the appeal site and the stone wall are clearly visible in views of Staddons, specifically when approaching the latter on the road from the east.
 14. The removal of part of this historic wall and its replacement by a modern sliding gate would, in my view, have a negative impact on the character and appearance of the WCA. The proposal would also have a negative impact on the setting of Staddons, and I agree with the Council that the introduction of an additional modern element, in the form of the proposed sliding gate, would further dilute the setting of this important listed building. The proposal would represent a discordant and visually dominant feature, harming the important contribution that the existing stone wall plays within the streetscene and WCA.
 15. The above findings are supported by the guidance within the Dartmoor National Park Design Guide (November 2011) (DDG). Whilst this largely relates to new development, it equally applies to other forms of development, with section 4 emphasising the importance of retaining stone walls and in repairing them, where required, using traditional methods, so as to maintain the character of the areas in question.
 16. For the reasons set out above, I find that the appeal proposal would result in harm to the character and appearance of the WCA and as such it would not preserve or enhance the character or appearance of the WCA. Similarly, I find that the appeal proposal would result in harm to the setting of Staddons. As is required, particularly by the Framework, considerable importance and weight must be attached to the harm to these heritage assets. The appeal proposal would, in my view, lead to less than substantial harm to the significance of these heritage assets, which must be weighed against the public benefits of the development.
 17. The public benefit put forward relates to the provision of an off-street parking space, which the Appellant contends would reduce pressure for on street parking in a village, where they argue parking is an issue. However, there is no substantive evidence before me to show that one car parking space provides the public benefit alleged or would assist in reducing the pressure on on-street parking within the village. Even if the provision of one off-street parking space was shown to be a public benefit, it could only, in my view, be accorded limited weight and it would not outweigh the harm I have identified to the significance of the heritage assets.
 18. Based on all the above factors, neither this alleged car parking benefit nor any other public benefits, delivering either economic or social or environmental objectives, would be sufficient to outweigh the harm I have identified to the significance of the heritage assets.

19. Reference has been made to the off-street car parking space to the east of the appeal site, as well as the presence of modern walls and infill development nearby. However, as the Appraisal states these developments took place before the designation of the Conservation Area and the introduction of controls and policies that seek to preserve or enhance the special interest of the area. The existence of these developments does not, therefore, provide any justification for the appeal proposal.
20. The Appellant contends that there is a need for off-street parking, but as I confirmed above, there is no substantive evidence before me, in the form of a survey or similar information, to support that statement. Where such parking problems exist, they should, in my view, be addressed with the support of a robust evidence base and on a planned and comprehensive approach for the village as a whole. As I also confirmed, the public benefit of one off-street parking space would not, in any case, be sufficient to outweigh the level harm that results from the appeal proposal to the significance of the heritage assets. Neither this factor, therefore, nor the support received from local residents, affects my findings on this issue.
21. I also note that the Appellant refers to the existing stone wall as a non-designated heritage asset and has assessed the proposed development on that basis, and also asserts that the wall is of no historic value. As I have confirmed above, the latter is not a view that I share. In relation to the reference to non-designated assets, the approach the Appellant adopts in this respect is incorrect. The correct approach, as I have set out above and in line with the relevant heritage policies of the DLP and Framework, is to assess the impact of the proposed development on the significance of the designated heritage assets, which, in this case are the WCA, which the appeal site forms part of, and the setting of the listed building, Staddons.
22. Accordingly, I find that the proposed development would be contrary to Strategic Policies 1.1, 1.2, 1.5 and 2.7 of the DLP, the advice contained within the DDG/Appraisal and in the English National Parks & The Broads UK Government Vision (2010) and paragraphs 189, 197, 199 - 200 and 202 of the Framework. Whilst the Council also refer to other strategic policies from the DLP, these are not, in my view, relevant to this issue.

Archaeology

23. The Council contend that the appeal proposal fails to consider the potential impact of the development on archaeology and would thus be contrary to, in particular, Strategic Policy 2.7 of the DLP. Part 6 of this policy requires applications that could affect existing or potential archaeological interests to be supported by sufficient information to understand the significance of any remains and the impact, if any, of the proposed development on them.
24. The appeal proposal seeks permission to demolish part of the stone wall to create a car parking space within the existing rear garden to the appeal site, and within the WCA. As such, I agree with the Council that the application should have been accompanied by an appropriate assessment, albeit the evidence before me also appears to suggest that no such assessment was sought during the determination of the application.
25. Even so, the approach set out in Strategic Policy 2.7 is consistent with that in the Framework, which recognises the potential for archaeological interests

within heritage assets, including paragraph 194 which states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interests it should be supported by an appropriate desk-based assessment and, where necessary, a field evaluation.

26. In the absence of any assessment it is not possible to determine whether there are likely to be any archaeological remains and if there are, what their significance might be, what the effect of the development would be on them and what options would be available, including potential for mitigation. Those are not matters that could, in my view, be addressed by way of a condition.
27. Accordingly, I find that the appeal proposal would not be compliant with Strategic Policies 1.1, 1.2 and 2.7 of the DLP and the corresponding policies of the Framework.

Biodiversity enhancements

28. The Council contend that the proposal should secure the necessary biodiversity enhancements. This is based on Strategic Policies 2.2 and 2.3 of the DLP, with the latter requiring development to contribute towards biodiversity enhancements. Table 2.2 of the DLP lists the forms of 'minor development' and thresholds that will trigger the required enhancement features. However, having reviewed Table 2.2, the appeal proposal does not, in my view, appear to fall within any of the defined categories of 'minor development.' The appeal proposal is not an extension or a garage, and whilst there is reference to car parks and hardstanding that is under the category of 'non-residential' development and would not appear to apply.
29. The Council's Delegated Report states that 1 enhancement feature is required based on the requirements of Table 2.2, but offers no further explanation or reference as to which part of Table 2.2 it draws that finding from. In the absence of this evidence or any comparable cases where enhancement features have been secured as part of similar developments elsewhere, I am unable to reach a firm finding on this issue. Even so, that does not have any bearing on my overall findings on this appeal.

Conclusion

30. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR