



Appeal Decision

Site visit made on 20 September 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/F9498/W/22/3294703

Martinhoe Manor, Woody Bay, Parracombe, Barnstaple, Devon EX31 4QX

- 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 Mrs Marjorie Ng against the decision of Exmoor National Park Authority.
 - The application Ref 62/43/21/003, dated 20 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is change of use of main building to single dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of main building to single dwellinghouse at Martinhoe Manor, Woody Bay, Parracombe, Barnstaple, Devon, EX31 4QX, in accordance with the terms of the application, Ref 62/43/21/003, dated 20 August 2021, and the plans submitted therewith.

Main Issue

2. The main issue is the effect of the proposal on the supply of smaller dwellings within the local housing stock.

Reasons

3. The existing building is currently subdivided into seven separate units of accommodation. Six have been used for holiday accommodation purposes for a substantial period. One of the units has been occupied by the owners/managers of the building. None of the units are restricted to use only for holiday accommodation by planning condition. The building stands in expansive wooded grounds within a striking coastal setting which falls within Exmoor National Park. There are no nearby settlements, although there are a few other residential dwellings scattered within the wider surroundings.
4. The proposal seeks to amalgamate the seven smaller units into one large dwelling, arguably restoring a former use of the original building which has since been extended. Having regard to the parties' differing views on the matter, I consider that such an amalgamation would result in a material change in use and shall deal with the appeal on this basis.
5. It is accepted by the Authority that there are no specific policies that deal with amalgamations within the *Exmoor National Park Local Plan 2011 – 2031 (2017)* (Local Plan), although there is a policy for subdivisions. The policies cited by the Authority include GP1, HC-S1 and HC-S2. HC-S1 and HC-S2 collectively seek to address the housing needs of local communities and ensure a mix of

dwelling (in terms of size, type and tenure), that will meet the needs of present and future generations. Policy GP1 seeks to support the delivery of sustainable development in the National Park which includes a commitment to provide for a size, type and tenure of housing to address local affordable needs and help create a balanced community.

6. The Authority's decision notice states that the loss of these "affordable" dwellings would cause harm to the balance in the housing stock, and undermine the ability to redress the balance where larger detached dwellings dominate. The use of the term 'affordable' appears to have created confusion, with much of the appellant's statement referring to formally-defined affordable housing and registered social landlords. It is clear to me that there would be no loss of formally-defined affordable housing with local needs restrictions. As such, I have treated the units as 7 modestly-sized unrestricted apartments, although I accept the Authority's stance that such units are typically more affordable on the open market than larger market units.
7. Whilst I understand the thrust of the development plan to provide a range of housing to meet the needs of the community across the finite land resource within the National Park, there is no specific policy with which the proposal is in direct conflict. Words cannot be imported to any of the policies that the Authority wish were there and thus, taken on their face, they do not apply to amalgamations. The development plan is therefore silent on the nature of the proposal before me which does not involve the creation of any new housing.
8. The appellant refers to the presumption in favour of sustainable development which is a reference to the National Planning Policy Framework (the Framework), where in paragraph 11 d) it states that where there are no development plan policies, or the most important policies are out of date, planning permission should be granted unless, i) specific policies of the Framework that protect areas or assets of importance provide a clear reason for refusal, or, ii) any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
9. I have considered the form and appearance of the dwelling and both its immediate and wider setting, all of which would be unchanged by the proposal. Consequently, I do not consider that any policies of the Framework which protect the National Park as an area of scenic and landscape beauty provide a clear reason for refusal of the proposal. On the other hand, an absence of harm is only capable of attracting neutral weight in the overall balance.
10. Given the rural location of the building, I consider that a likely lower intensity use as a single dwelling than as 7 apartments (holiday use or otherwise), would be more appropriate in terms of sustainable travel patterns and reducing the number of vehicles that have to access via the narrow coast road which is intersected by the South West Coast Path. This reduction in intensity of use and vehicle movements attracts weight as a limited benefit of the scheme.
11. I am mindful that granting planning permission would deny any potential future occupiers the chance to purchase a modestly-sized apartment. However, size is not the only factor that influences affordability and, to this end, the rural location, exquisite natural setting and the range of available sea views is still likely to keep the sale values higher than would be typical of units absent of such features. This also suggests that preventing the amalgamation and

insisting that they are maintained as seven apartments would be likely to achieve little of the rebalancing of the local housing stock that could benefit the community. Whilst this should not deter the Authority from seeking such opportunities where they realistically exist and where the development plan policies are strictly applicable, there are factors in this case that suggest that the outcomes would be of negligible benefit here.

12. For the foregoing reasons, there would be no significant or demonstrable adverse impacts that would outweigh the benefits of the scheme when assessed against the policies of the Framework taken as a whole. This is a material consideration of such significance that suggests that the decision should be taken other than in accordance with the development plan.

Other Matters

13. I have considered the submitted representation which indicates that the loss of holiday units from such a special building and location would be an unfortunate outcome. Whilst it is clear that the building has played an important part in the visits of many tourists to the area, I do not consider that the loss would be material, with two separate small-scale letting facilities being retained on site and an absence of evidence to suggest that there is a lack of tourist accommodation in this part of the National Park.

Conditions

14. The Authority suggested a condition to require that the resultant large dwelling should be used as a principal residence rather than as a single holiday home or second home. The rationale offered for this condition is given as Policy HC-S1 which seeks to avoid the potential for additional second or holiday homes in the locality, though the units can already be used for such purposes.
15. The preamble to Policy HC-S4 appears to provide an indication of the use for such a condition where it states that: *"Principal Residence housing will therefore only be permitted in very specific circumstances where it can be demonstrated to be essential to enable the delivery of affordable housing schemes in accordance with policies HC-D2 Conversions to Dwellings in Settlements or HC-D3 New Build Dwellings in Settlements"*. As the units can already be used as holiday homes and the resultant dwelling is not intended as a means of cross-subsidising any other form of housing, the condition does not have a sound policy basis and I do not consider that imposing it would meet the tests for conditions set out in the Framework.

Conclusion

16. For the foregoing reasons, the appeal is allowed.

Hollie Nicholls

INSPECTOR