



Appeal Decision

Site visit made on 20 February 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2023

Appeal Ref: APP/J9497/D/22/3312279

Lower Drewston Barn, Moretonhampstead, TQ13 8QQ

- 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 Roger Butler against the decision of Dartmoor National Park Authority.
 - The application Ref 0282/22 dated 29 June 2022, was refused by notice dated 15 September 2022.
 - The development proposed is new single storey link extension to reinstate the U-shaped courtyard form and associated landscaping works, new window to former farmhouse, one new window to former threshing barn.
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Decision

1. The appeal is allowed and planning permission is granted for new single storey link extension to reinstate the U-shaped courtyard form and associated landscaping works, new window to former farmhouse, one new window to former threshing barn at Lower Drewston Barn, Moretonhampstead, TQ13 8QQ in accordance with the terms of the application, Ref: Ref 0282/22 dated 29 June 2022, subject to the conditions set out in the Schedule at the end of this decision.

Main Issue

2. The main issue is whether the proposed extension in relation to the cumulative enlargement of the dwelling is acceptable, as regards development plan policy which seeks to maintain a balance in the housing stock within the National Park, including smaller and more affordable dwellings, as well as conserve the character and scale of existing dwellings, whilst also taking account of all other material considerations.

Reasons

3. The appeal property is a residential dwelling comprising the existing Lower Barn and its detached annex in a rural location outside of any defined settlement and within the Dartmoor National Park. It was originally a farmstead dating back to the early 17th century and is an undesignated heritage asset. The two parts of the dwelling run broadly parallel to each other with a courtyard in between, including a wall on the northern side. The buildings are terraced into a steep slope that faces north into the Teign Valley.
4. Policy 3.7 of the Dartmoor Local Plan (2021) (Local Plan), addresses residential alterations, extensions and outbuildings and indicates three criteria against

which they will be considered, first relating to their compliance with the design principles in the Dartmoor National Park Design Guide (Design Guide); secondly that they are subservient to the original dwelling and conserve or enhance its character, appearance, curtilage and immediate surroundings, and thirdly do not increase the habitable floorspace of the original dwelling by more than 30%.

5. With regard to the first two criteria, the proposal would create a single storey link building between the two existing buildings. There would be a central section under a pitched roof and two more modest flat roofed elements to form the connections to the existing buildings. The overall scale, height and massing of the new building would be subservient in form to the two main buildings to which it would be attached. The proposed materials would in part reflect the existing range of materials found in the existing buildings, with the pitched roof being of corrugated sheet steel to respond to the agricultural former use of the buildings and to contrast with the slate roofs of the existing buildings.
6. Historic maps indicate that there were buildings in the position where the link building is now proposed, which would have created a U-shaped collection of buildings. I consider that the proposed link building would appear subservient in scale and massing to the main buildings and would re-introduce a U-shaped collection of buildings onto the site. The design would be straightforward and uncomplicated, with a suitable palette of materials that would complement and not compete with the larger existing buildings. The proposed connections to the two existing buildings would be very modest in design and form and would result in very limited alterations and disturbance to the fabric of the existing buildings.
7. In design terms I am satisfied that this would be a sympathetic and well-designed addition to the existing dwelling that would reflect the design principles set out in the Design Guide, would be subservient in scale and massing to the original dwelling and would be appropriate in design terms for the site and immediate landscape surroundings. The Council has not raised design concerns as a reason for refusal.
8. The Council's principal concern appears to relate to the conflict with the third criterion of Policy 3.7 the Local Plan, that is to restrict increases in the habitable floorspace of the original dwelling by more than 30%. The Appellant has indicated that the proposed extension would create floorspace of 80 sq m with the increase in floorspace being some 16%, whilst the Council takes the view that this proposal would result in a 165% increase in habitable floorspace over the original dwelling. However, the Appellant's calculations appear to be on the basis of the existing building whereas for the purposes of Policy 3.7 of the Local Plan, the Council advises that the policy refers to increases in floorspace over the original dwelling, which is defined at paragraph 3.8.5 as the dwelling as it existed on 1 April 1995 or the original dwelling if constructed after that date.
9. The planning history of this property is somewhat unusual. The barn was first granted permission to convert to a dwelling in 1998 with a habitable floorspace of some 200 sq m. According to the Council's records further works have been undertaken for which planning permission was not expressly sought and which have increased the size of the habitable accommodation on site; the only other permission being for use of the ruined longhouse for ancillary accommodation.

10. On the basis of the information before me, it would appear that the Council's figures reflect the Local Plan definition. As a result, I can only conclude that the proposal would conflict with criterion 3 of Policy 3.7 of the Local Plan. I understand that the definitions used in the Local Plan have changed which may explain why an earlier proposal on the same site for a larger extension and refused by the Council and also dismissed at appeal did not raise the floorspace increase as an issue but focussed on design considerations. However, I must assess this proposal on the basis of the current adopted plan.
11. The Appellant's case is that the policy objective of maintaining a varied housing stock cannot be achieved by preventing the proposal because the dwelling is already substantial in scale and is likely to be beyond the financial means of a great number of potential purchasers, even before the extension as proposed. The supporting text to the policy indicates that a key component of its strategy is to deliver affordable homes to meet the needs of local people and that the size of extensions is limited in order to retain a mix of smaller and more affordable housing. From the information before me, I agree with the Appellant that in terms of its size and form, the dwelling either as existing or as proposed would not be defined as an affordable dwelling. The policy objective also seeks to retain a mix of dwellings but there is no substantive evidence before me to demonstrate how the proposal, compared with the existing, would result in or contribute to a material imbalance in the range and mix of the Council's housing stock.
12. Consequently, I do not consider that withholding permission for the proposed addition, considered relative to the original or current size of the dwelling, particularly in the absence of any other harms, would meaningfully contribute to meeting the objectives of the Policy 3.7 of the Local Plan.
13. Whilst I agree with the Council that the proposal would not fall within either of the exceptional circumstances set out under Section 2 of Policy 3.7 of the Local Plan, I am satisfied that this proposal reflects the design principles of the Design Guide and would assist in consolidating the independent buildings into a coherent whole which would better reflect the historical form of buildings on site, as can be ascertained from historical evidence.
14. There would be no conflict with Policies SP1.1 and SP1.2 of the Local Plan or the Design Guide, the English National Parks and Broads UK Government Vision and Circular 2010, as well as the National Planning Policy Framework, with particular reference to Sections 12 and 15, and all of which, amongst other matters, seek a high quality of development that protects the landscape character and Dartmoor's Special Qualities.
15. As the appeal scheme would result in the enlargement of the dwelling above the permitted 30% floorspace threshold of Policy 3.7 of the Local Plan, it would conflict with this policy. However, having regard to the current size of the dwelling, the proposal would not result in the loss of a small dwelling, nor would it undermine the Council's aims to retain small dwellings so as to maintain a balanced housing stock. There is also no substantive evidence before me as to how the proposal would result or contribute to a material imbalance in the existing range and mix of the housing stock. The modest scale of the proposal, its design which is in keeping with the host property, and the limited physical changes to the appeal site, would result in an acceptable impact in relation to the landscape character of the countryside and the

National Park, and any increase in activity at the site would be unlikely to materially impact on the countryside character. In the particular circumstances of this case I am therefore satisfied that a departure from Policy 3.7 is justified and the other factors outlined above indicate that a decision should be taken other than in strict accordance therewith.

Other Considerations

16. Although not raised as a reason for refusal, the Council's Building Conservation Officer raised an objection on the grounds of the proposal having a negative impact on the setting of Higher and Middle Drewston, and I am advised that one of these is listed. Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses, in considering whether to grant planning permission for development which affects a listed building or its setting. However, given the distance between the proposal and Higher and Middle Drewston and the lack of intervisibility between, I do not consider that there would be any material impact on the setting of either or both Higher and Middle Drewston as a result of the proposed development, particularly given its siting within the curtilage of the appeal site and between two existing buildings. I am therefore satisfied that the setting of both Higher and Middle Drewston would therefore be preserved.

Conditions

17. I agree with the conditions proposed by the Council but with some modifications. The approved plans are listed for the avoidance of doubt and in the interests of good planning. I agree that further details of the materials and elements of the scheme should either be required to be submitted and approved or specified to protect the character and appearance of the existing building, a non-designated heritage asset. However, where further details are required to be submitted, I consider that this can be prior to work above ground level, rather than pre-commencement.
18. Provision and implementation of the biodiversity proposals are required to accord with the biodiversity enhancement policies of the Local Plan. However, there is no submitted plan or details of what is proposed and its future management other than a brief reference in the Design & Access Statement and an unnumbered plan. I therefore consider that further details should be submitted for approval, including the timing of planting and future maintenance.
19. I also agree that a condition should be imposed to clarify the use of the accommodation to respond to the application and relevant policies of the Local Plan.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (Nos 1 – 7 inclusive)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3348275-1; 3348276-2; 3348277-3; 3348278-4; 3348279-5; 3348280-6; 3348281-7; 3348282-8; 3348283-9; 3348284-10; 3348285-11; 3348286-12; 3348247-106-3-001; 3348251-106-3-100; 3348253-106-3-101; 3348255-106-3-102; 3348256-106-3-103; 3348257-106-3-104; 3348258-106-3-105; 3348259-106-3-106; 3348260-106-3-107; 3348261-106-3-009.
- 3) Prior to the commencement of development above ground level, samples of the proposed external facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.
- 4) Notwithstanding the approved plans, prior to their installation, drawings (1:20 elevation 1:5 sections) of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The details shall also show the proposed materials, finishes and recess position. The windows and doors shall be installed as approved.
- 5) All gutters and downpipes on the development hereby permitted shall be of metal construction and round or half-round in section and painted black.
- 6) The development hereby permitted shall be used as part of the existing dwelling and shall not at any time be used, let or sold or otherwise occupied as a separate unit of accommodation or for independent commercial purposes.
- 7) Prior to the development hereby permitted being first brought into use, further details of the biodiversity enhancement measures referenced within the Design and Access Statement, including numbers, species and size of trees, a programme of planting and future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be undertaken in accordance with the approved details, programme and maintenance.