



Appeal Decision

Site visit made on 28 February 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/K1128/W/22/3302391

Hen House, New Park Road, Smithleigh, Plymouth PL7 5AX

- 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 Peter Bastin against the decision of South Hams District Council.
 - The application Ref 4158/21/FUL, dated 6 November 2021, was refused by notice dated 30 May 2022.
 - The development proposed is described as 'The proposed is a refurbishment and replacement of the existing building with a new dwelling. The site/building already has an approved planning application reference 1039/18/FUL and notification of commencement with South Hams Council Planning Department has been recorded. This application is to extend the floor plans to further enhance the proposed dwelling'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing building.

Reasons

3. The existing building is a modest building constructed primarily of stone with a simple rectangular form, under a corrugated pitch roof. I have no evidence before me that the building has any historical interest. That said, its modest scale, materials, linear footprint, simple roof form and limited openings all combine to give it the appearance of a simple and functional, rural vernacular building.
4. There is an extant planning permission for the conversion of the existing building on site to a dwelling¹. The plans submitted by the appellant indicate that the conversion scheme was limited to the current building envelope, resulting in a modest one-bedroom dwelling.
5. This has created a fallback position that is a material consideration in this appeal. As such, the principal of residential use on site has already been established, notwithstanding the Council's current housing land supply position.
6. There is no dispute between the main parties that the appeal site cannot be described as 'isolated' and having visited the site and seen that the site is located close to other dwellings and business premises, I see no reason to

¹ LPA ref: 1039/18/FUL

disagree. As such, criteria 1. of Policy TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) is not relevant to the proposal before me.

7. Criteria 2. ii. of Policy TTV26 of the JLP seeks the re-use of traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
8. The appeal proposal would involve the erection of a gable extension on one end of the building to provide an en-suite bedroom together with an extension and gable projection to the other end of the building to provide a kitchen, dining room, utility and garage. This would result in a 'C' shape building with a forward projecting gable at either end. It would also considerably enlarge the footprint of the building, more than doubling the available floorspace. The addition of gable extensions to both ends would result in a building with a more complex roof form exhibiting a domestic character and appearance. The relative simplicity of the existing building would no longer be evident. The works proposed would in my view amount to significant alterations and as such the proposal would be contrary to Policy TTV26 of the JLP.
9. The appellant argues that Policy TTV26 is not relevant and that the appeal proposal should be considered as an extension to an existing dwelling. Whilst the extant planning permission on the site may have been commenced, nothing that I saw during my visit would lead me to conclude that the building was occupied as a dwelling or that the building works were substantially complete. As such, I am not persuaded that the appeal building is a dwelling or that the proposal before me amounts to an extension to an existing dwelling.
10. Even if I agreed with the appellant in this regard and as such found that Policy TTV26 of the JLP was not relevant to the proposal before me, the other policies in the development plan which require high standards of design which respect local distinctiveness cannot be disregarded.
11. Small, simple and functional buildings are an intrinsic part of the character of the countryside. Whilst I am not persuaded that the building has any particular historic interest, it is locally distinctive in terms of its materials of construction and utilitarian form. However, for the reasons set out above regarding the scale and design of the additions to the building, the appeal proposal would be harmful to the character and appearance of the building and contrary to Policies SPT1 and DEV20 of the JLP insofar as they require high standards of design which respect local distinctiveness and contribute positively to the landscape.

Other Matters

12. The appellant refers to a number of planning permissions granted at nearby sites and in particular refers to those where extensions or demolition and rebuild has resulted in structures with a significantly increased floor area. Whilst there is a need for consistency in decision making, I do not have sufficient information before me to make the necessary comparisons.
13. The appellant points out that the appeal proposal would be an effective use of land and would provide a dwelling for young members of society, adding diversity to the local housing stock and constituting limited organic growth. However, I am not persuaded that this is materially different to the extant

consent for a dwelling on the site which would result in the reuse of an existing building to provide a modest home.

14. Condition 6 of the extant planning permission removed householder permitted development rights to extend or alter the dwelling. I accept that this would not necessarily prevent extensions from being permitted, but it would enable the Council to assess the acceptability of proposals having regard to their impact on the development and the locality.
15. I accept that the site is well screened by the existing planting between the site and the road, that there are no highway safety implications, that the materials proposed are in keeping with those used in surrounding development and that the proposal would not impact on the living conditions of neighbouring occupiers. I also note that comments from the parish council with regards to the use of the land and the design of the proposed dwelling. However, this does not alter the harm I have identified above.
16. The appeal site lies within the Zone of Influence of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA). As the appeal has failed, an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC and SPA is not be required.
17. The appellant has expressed concerns about the manner in which the Council determined the application and the length of time taken. However, such matters do not form part of my consideration of the appeal.

Conclusion

18. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Alison Fish

INSPECTOR