



Appeal Decisions

Site visit made on 24 April 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal A Ref: APP/J9497/W/22/3298846

Tyrwhitt's Wharf, Site South-West of Clearbrook, Yelverton, Devon, PL20 6JD.

- 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 Whitehead of Tyrwhitt's Cafe and Cycle Hub CIC against the decision of Dartmoor National Park Authority (the NPA).
- The application ref. 0050/21, dated 16/01/21, was refused by notice dated 19/11/21.
- The development proposed is described as the *conversion of a derelict barn with historic relevance to create a venue providing a café, cycle hire (to include specialist bikes suitable for less able people – adapted E-bikes etc), bike workshops and courses for individuals, school groups and community groups. The venue and related services would be a community interest operation, and the use of the building would be restricted accordingly.*

Appeal B Ref: APP/J9497/Y/22/3298847

Tyrwhitt's Wharf, Site South-West of Clearbrook, Yelverton, Devon, PL20 6JD.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by S Whitehead of Tyrwhitt's Cafe and Cycle Hub CIC against the decision of Dartmoor National Park Authority (the NPA).
- The application ref. 0519/21, dated 17/09/21, was refused by notice dated 19/11/21.
- The works proposed are described as the *conversion of a redundant barn into a cycle hub and café with community interest activities.*

Decisions

1. The appeals are allowed. Planning permission is granted for the conversion of a barn to create a venue providing café, cycle hire, bike workshops and area for courses at Tyrwhitt's Wharf, Site South-West of Clearbrook, Yelverton, Devon, PL20 6JD. The permission is granted in accordance with the terms of the application ref. 0050/21, dated 16/01/21, and subject to the conditions in the attached Schedule A. Listed building consent is also granted for the conversion of a redundant barn into a cycle hub and café with community interest activities at Tyrwhitt's Wharf, Site South-West of Clearbrook, Yelverton, Devon, PL20 6JD. The consent is granted in accordance with the terms of application ref. 0519/21, dated 17/09/21, and plans submitted therewith and subject to the conditions in the attached Schedule B.

Preliminary Matters

2. A more concise description of the proposed development is the one contained within the NPA's decision notice for application ref. 0050/21.
3. The Dartmoor Local Plan 2018-2036 (LP) was adopted by the NPA in December 2021 and now forms part of the development plan. I note that the LP replaces some of the policies referred to within the NPA's decision notices.

4. Applications for awards of costs have been made by the appellant against the NPA. These applications are the subject of separate decisions.

Main Issues

5. The two main issues are: firstly, whether the proposal would preserve the grade II listed building known as Tyrwhitt's Wharf or its setting or any features of special architectural or historic interest which it possesses (both appeals) and; secondly, the effect upon the character and appearance of the Dartmoor National Park (appeal A only).

Planning Policy

6. My attention has been drawn to numerous development plan policies. The most important ones to the determination of appeal A¹ are LP policies 1.1 (national park purposes² and protecting Dartmoor's special qualities³), 1.2 (sustainable development), 2.1 (landscape character), 2.7 (heritage assets) and 4.8 (the access network).
7. In determining these appeals, I have also had regard to the provisions of the National Planning Policy Framework (the Framework), especially those sections relating to the conservation and enhancement of the natural and historic environments. I have also had regard to the 'English National Parks and the Broads: UK Government Vision and Circular 2010'.

Reasons

8. This 0.02 ha appeal site comprises a single storey grade II listed 19th century building⁴ together with some adjoining Common Land and section 3 Moorland of Conservation Importance⁵ (section 3 moorland). The site is immediately adjacent to National Cycle Route 27⁶ and the ninth tee of the Yelverton Golf Course. The late 16th century Plymouth Leat runs to the north east and Clearbrook Leat public car park is about 120 metres to the south east.

Listed Building (Appeals A and B)

9. The grade II listed building on the appeal site is a former transhipment stable built in 1823 for Sir Thomas Tyrwhitt of the Plymouth and Dartmoor Tramway. As set out within the detailed list entry compiled by Historic England, the significance (heritage interest) of this designated heritage asset is primarily derived from its special architectural and historic interest. These include its rectangular plan, granite rubble walls⁷ with granite quoins, hipped slate roof⁸, tall entrances⁹, fireplace and its example of an early horse tramway building, as

¹ The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

² I am mindful of the duty under section 62 of the Environment Act 1995 and section 11A of the National Parks and Access to the Countryside Act 1949.

³ The special qualities are identified in paragraph 1.1.8 of the LP. These include open, windswept upland moors with far reaching views, unrivalled opportunities to roam at will over extensive open moorland and an exceptional rights of way network for walking, riding and cycling, a wealth of historic buildings and opportunities for discovery.

⁴ Approximately 65m² in size. The provisions of sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

⁵ As provided for under section 3 of the Wildlife and Countryside Act 1985. The NPA's Ecology & Wildlife Officer has described the space immediately around the appeal building as an ecological poor short-grazed pasture field with some bramble, gorse and hawthorn scrub.

⁶ The Devon Coast to Coast cycle route that runs between Ilfracombe and Plymouth.

⁷ There is some lateral movement in some of the walls and the pointing is missing from some sections.

⁸ The roof is in a rather poor condition. The original roof structure appears to have been lost, some 20th century roof timbers have been inserted in an attempt to stabilise it and the slates appear to have been 'Turnerised'.

⁹ Some of which have been blocked up.

well as its importance as a former staging posts for horses crossing the moor. I also note from the list entry that this building is very rare nationally and is located within an exceptional historic landscape setting.

10. The proposed development/works would secure a viable new use for the building which appears to have been redundant for many years¹⁰. A new hipped roof structure would be provided, including the use of natural slates, with some 'solar panel slates' on the south west facing roof slope. The walls of the building would be stabilised and repointed where necessary, the window openings on the north east elevation would be unblocked/re-used and would include new timber lintels. Hardwood timber door shutters and lintel would also be provided to the entrance on this elevation of the building. In addition, a flue liner would be installed into the chimney to allow it to be re-used in association with a small wood burner.
11. The proposals would help arrest the decline in the fabric of this designated heritage asset and prevent the building from falling into further disrepair. Sympathetic works of repair and alteration are proposed and any loss of important historic fabric is likely to be very limited and would be outweighed by the arrest in the decline to the overall fabric of the building. The evidence before me indicates that the existing roof structure is of little historic interest and would, in any event, be likely to need significant works to ensure that the building remains secure from the elements in this exposed moorland area.
12. The proposed internal works, including the proposed counter, toilet and service connections would not disrupt any important historic fabric or detract from the integrity of the building. Suitably worded planning conditions could be attached to any approvals to ensure appropriate restoration of the building. The proposed use and works to the building would conserve this designated heritage asset in a manner appropriate to its significance.
13. The proposed external bike rack, benches and other 'curtilage' works would be very modest in scale and low in impact¹¹. Such works would be most unlikely to diminish the ability to understand or appreciate the significance of this listed building or disrupt the intervisibility with the Plymouth and Dartmoor Tramway or erode its historic landscape setting. Moreover, I note from the Planning, Design and Access Statement that it is the appellant's intention to provide some information/interpretation material inside the building to explain its association with Sir Thomas Tyrwhitt and the Plymouth and Dartmoor Tramway. Overall, the proposals would assist in furthering an understanding and appreciation of this important designated heritage asset.
14. The proposed development would accord with the provisions of the Framework for sustaining and enhancing the significance of heritage assets, as well as the provisions of LP policy 2.7 and the aims and objectives of the Dartmoor National Park Design Guide 2011. I agree with the appellant and the NPA's planning officer that the intended use and proposed enhancement works would be compatible with the historic importance of this listed building. The proposal

¹⁰ I note the comments of the NPA's Building Conservation Officer that the building is in need of significant repair. The appellant's agent has also informed me that in the past the building has been subject to anti-social behaviour, including vandalism.

¹¹ The bike rack, benches and some of the proposed internal works would also be reversible works.

would maintain the original appearance of the building with limited changes¹². These matters weigh heavily in favour of granting permission / consent.

15. I conclude on the first main issue that proposal would preserve the grade II listed building known as Tyrwhitt's Wharf, its setting and features of special architectural or historic interest which it possesses.

Character and Appearance (Appeal A only)

16. The proposed development would provide a stopping and/or meeting point for some cyclists using the adjacent National Cycle Route. Some walkers and other visitors to this part of Dartmoor could also reasonably be expected to make use of the proposed café. The proposed cycle hire facilities and courses that it intended to run would also attract some people to the site. In this regard, I note the concerns of the NPA over the impact of this "footfall" upon the section 3 moorland immediately around the listed building.
17. The appeal site is located within a part of Dartmoor that is already popular with visitors and has convenient access to the public rights of way network (including Common Land) and the cycle network. As I noted during my visit, there are also some other car parks nearby. Public perception of this part of the national park is likely to be influenced by the presence of these car parks, the golf course and the tarmac cycle track. The information before me indicates that the section 3 moorland in this part of Dartmoor includes these existing developments, as well as sections of some roads.
18. The proposal would undoubtedly attract some additional visitors to this part of Dartmoor and I note that during parts of the year there is insufficient capacity in the car parks to cater for demand. However, I agree with the assessment made by the Highway Authority's representative, who advised the NPA that on balance, the proposal would predominantly cater for people already in the area rather than attract specific additional vehicle movements. In all likelihood, the vast majority of those who would make use of the proposal are likely to already be utilising the surrounding network of paths/routes and Common Land.
19. The limited scale of the proposed development would be very unlikely to result in any significant increase in visitors to this part of the national park. There would be disturbance to part of the grassland in front of the appeal building whilst the development/works are undertaken. However, this would be for a limited period. The simple timber benches on granite bases and the proposed timber bike cycle rack that would be placed upon part of this grassland would be sympathetically designed and amount to a 'light touch' approach for this moorland location. There would be a small change to the character and appearance of this part of the appeal site but neither this, nor the visitors/customers using the appeal building would amount to an intensification in visitor activity that would be likely to result in any significant harm to the character, appearance or distinctiveness of this part of Dartmoor. I also note the views of the NPA's Ecology & Wildlife Officer that the direct and indirect impacts of the proposal would be negligible on protected and priority species.
20. The proposal would not detract from the experience of this area of open, windswept upland moor, or interrupt any far reaching views. It would 'tap into' the exceptional rights of way network that exists, make effective use of an

¹² When the building is closed for use the external shutters would be closed, further diminishing the visual impact of the proposed development/works.

historic building and enhance the opportunity for discovery in this part of Dartmoor for some people who may otherwise not be able to experience, appreciate or understand the significance of this early 19th century building. The proposal would not harm any of the special qualities of the national park.

21. I conclude on the second main issue that the proposal would not harm the character or appearance of the Dartmoor National Park and would accord with the provisions of LP policies 1.1, 1.2 and 2.1 and the provisions of the Framework aimed at conserving and enhancing the natural environment.

Other Matters

22. Some people attracted to the proposed development would be less able members of society. The proposal would afford such people the opportunity to undertake cycling in a part of Dartmoor that could otherwise be inaccessible to them for this type of activity. I also note that the proposal received the support of some cycle groups. I agree with the NPA's Planning Officer that the development would help to promote cycling and increase the public's perception and enjoyment of the moor in a positive way. It would accord with the broad thrust of the Framework that is aimed at enabling and supporting healthy lifestyles and there would be no conflict with the aims and objectives of LP policy 4.8. In addition, the proposal could bring some very modest economic benefits, such as short-term support for the local building industry and employment for those working at the site thereafter. These matters lend some limited weight to the argument for granting planning permission.

Planning Conditions

23. In addition to the 'standard' conditions requiring the development/works to commence within a period of three years, in the interests of certainty it would be necessary to attach a condition to a planning permission specifying the approved plans.
24. The proposed use of the building falls within a broad category of uses covered by the Town and Country Planning (Use Classes) Order 1987 (as amended). Given the moorland location of the appeal site, the absence of on-site parking and the very close association between the proposed use and the cycle network in this part of the national park, it would be necessary to attach a condition to a planning permission that restricted the use to the one applied for. Other uses permitted under Class E of the Order could result in harm to this part of the national park if undertaken.
25. To safeguard and enhance nature conservation interests, it would be necessary to attach conditions to a planning permission that avoided building works during the bird nesting season and which secured a scheme of biodiversity enhancement.
26. To safeguard the character and appearance of the building and/or its setting and the surrounding landscape, conditions would be necessary requiring the submission of further details regarding the roof structure, extract vent, landscape works (including benches), stonework/lintels and joinery details. Conditions requiring the use of natural slates and restricting external storage and external lighting would also be necessary to safeguard the special qualities of the building and/or its setting and the surrounding landscape.

27. As the area is rich in archaeological remains, it would be necessary to attach a condition requiring written details of an archaeological watching brief before development commenced. There is a risk of disturbing important archaeological remains if this was not made a pre-commencement condition.
28. To safeguard the character and appearance of the area and to ensure satisfactory foul drainage, a condition would be necessary on a planning permission that required details of the proposed package treatment plant prior to its installation.
29. For the avoidance of doubt, it would be necessary to attach conditions requiring any separate consent for advertisements.
30. A condition requiring the provision of the proposed information/interpretation facilities inside the building would be necessary to assist in furthering an understanding and appreciation of the listed building and its association with the surrounding landscape and the 19th century economy of Dartmoor. A condition would also be necessary to secure the appellant's offer of closing the door and window shutters when the premises are closed and, in so doing afford a greater appreciation of the heritage interest of the building when the proposed use is not operating.
31. Where necessary, I have modified those conditions suggestion to me having regard to the relevant provisions of the Framework.

Conclusion

32. Given all of the above, and having regard to all other matters raised, including the numerous representations made by interested parties (supporters and objectors), I conclude that both appeals should succeed.

Neil Pope

Inspector

SCHEDULES OF CONDITIONS

Schedule A (Appeal A - Planning Permission)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the details shown on the following approved plans: i) site location plan numbered 2013/01; ii) proposed site plan numbered 2013/02 Rev. E; iii) proposed NE & NW elevations and cross section numbered 2013/08 Rev. E; iv) proposed SE, SW and NW elevations numbered 2013/09 Rev. E; v) proposed plan for works and for use numbered 2013/07 Rev. B; vi) proposed NE elevation when closed up numbered 2013/10 Rev. B; vii) timber shutter detail numbered 2013/11 and; viii) section through chimney numbered 2013/12.
3. The premises shall only be used as a cycle hub for bicycle rental and as a bicycle related activity centre, including ancillary café, and for no other purpose including any other use specified in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order

revoking and re-enacting that Order.

4. No works shall take place during the bird nesting season (1 March to 31 August inclusive) unless a suitably qualified ecologist has confirmed in writing to the Local Planning Authority that the works will not disturb nesting birds.
5. Notwithstanding the details shown on the drawings hereby approved, no work to the roof shall commence until full details of the proposed roof structure, including a qualified structural engineer's report, scaled technical drawings, eaves detail, fixings, the location and details of the rainwater harvesting system (including above ground storage within the building), and integrated solar PV cabling and routing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roof structure shall be installed and retained in accordance with the approved details.
6. Notwithstanding the details shown on the drawings hereby approved, the detail and location of any proposed extract vent(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter, any extract vents shall be installed and retained in accordance with the approved details.
7. The roof of the building/barn shall be covered in natural slates (fixed using nails) and, in part to south-west elevation only, slate effect solar PV tiles, sample(s) and final layout of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any roofing work. At all times thereafter the roof shall be retained as approved.
8. The space outside the building/barn shall not be used or laid out for the purposes shown on the approved plans until full details of the external landscape works, which shall include timings for the works, levels, details of all seating, cycle racks, hard surfacing (including substructure, surfacing and materials), have been submitted to and approved in writing by the Local Planning Authority. The external landscaping shall thereafter be undertaken and retained as approved.
9. Details of any proposed replacement stonework, lintels, and repointing of the masonry (using a lime mortar) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any stonework. If large areas of repointing are necessary, a sample panel shall be prepared for inspection and approval by the Local Planning Authority. Thereafter, all stonework shall be undertaken and retained in accordance with the approved details and sample panel.
10. Notwithstanding the details shown on the approved drawings, full details of all proposed joinery shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Such details shall include section and elevation drawings at an appropriate scale of all new windows, shutters, and doors including surrounding masonry and lintols. Thereafter, only joinery of the approved design shall be used in the development.
11. No work shall commence on the development hereby permitted until a written scheme providing for an appropriately qualified archaeologist to carry out a full archaeological watching brief during all stages of the development has been

submitted to and approved in writing by the Local Planning Authority. The watching brief shall include all associated ground works, both internal and external, the laying of services and landscaping. The scheme, which shall be written and implemented at the site operator's expense, shall provide for the observation, recording and recovery of artefacts and post-excavation analysis. A full report detailing the findings shall be submitted to and approved in writing by the Local Planning Authority before the substantial completion of the development.

12. No external storage shall take place in connection with the use hereby approved.
13. Notwithstanding the details shown on the approved drawings, the permission hereby granted does not convey any tacit support or approval for any advertisements, including name signs, separate consent for which may be required from the Local Planning Authority.
14. Prior to installation of the package treatment plant, water table and percolation tests shall be carried out by the site operator. A qualified assessment of the suitability of the proposed package treatment plant, with regard to and including the water table and percolation test results, and detail on the proposed discharge to ground, shall be submitted to the Local Planning Authority for approval. Prior to the use of the building as approved, the agreed package treatment plant shall be installed, and thereafter retained during the 'lifetime' of the development. Upon becoming redundant, the package treatment plant and any redundant pipework shall be removed, and the land shall be reinstated to its former state.
15. No external lighting shall be installed or used in association with the development hereby approved.
16. The building shall not be used for the purpose hereby permitted until full details of a biodiversity enhancement scheme that complies with Part 3 of Policy 2.3 of the Dartmoor Local Plan (Biodiversity Net Gain), has been submitted to and approved in writing by Local Planning Authority. The approved enhancement measures shall be completed prior to the commencement of use and shall be retained thereafter.
17. As proposed within the submitted Planning, Design and Access Statement, an interpretation/information board explaining the original role/function of the building as a transhipment stable, as well as its association with Sir Thomas Tyrwhitt and the Plymouth and Dartmoor Tramway, shall be provided within the building upon commencement of the development hereby permitted. Details of the information to be provided and its location within the building shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved board shall thereafter be retained within the building for interpretation/understanding by customers/visitors.
18. When the building is closed for the use hereby permitted the external window and door shutters shall be shut as shown on the approved plan ref. 2013/10 Rev B.

Schedule B (Appeal B – Listed Building Consent)

1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. Notwithstanding the details shown on the drawings hereby approved, no works shall commence on the roof until full details of the proposed roof structure, including a qualified structural engineer's report, scaled technical drawings, eaves details, fixings, the location and details of the rainwater harvesting system (including above ground storage within the building), and integrated solar PV cabling and routing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roof structure shall be installed and retained in accordance with the approved details.
3. Notwithstanding the details shown on the approved drawings, the detail and location of any proposed extract vent(s) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter, any extract vents shall be installed and retained in accordance with the approved details.
4. The roof of the building/barn shall be covered in natural slates (fixed using nails) and, in part to south-west elevation only, slate effect solar PV tiles, sample(s) and final layout of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any roofing work. At all times thereafter the roof shall be retained as approved.
5. Details of any proposed replacement stonework, lintels, and repointing of the masonry (using a lime mortar) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any stonework. If large areas of repointing are necessary, a sample panel shall be prepared for inspection and approval by the Local Planning Authority. Thereafter, all stonework shall be undertaken and retained in accordance with the approved details and sample panel.
6. Notwithstanding the details shown on the approved drawings, full details of all proposed joinery shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Such details shall include section and elevation drawings at an appropriate scale of all new windows, shutters, and doors including surrounding masonry and lintols. Thereafter, only joinery of the approved design shall be used in the development.
7. Notwithstanding the details shown on the approved drawings, prior to installation, details of the wood burner, flue and flue liner shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the wood burner, flue and flue liner shall be retained as approved.
8. As proposed within the submitted Planning, Design and Access Statement, an interpretation/information board explaining the original role/function of the building as a transshipment stable, as well as its association with Sir Thomas Tyrwhitt and the Plymouth and Dartmoor Tramway, shall be provided within the building upon commencement of the development hereby permitted. Details of the information to be provided and its location within the building shall have previously been submitted to and approved in writing by the Local

Planning Authority. The approved board shall thereafter be retained within the building for interpretation/understanding by customers/visitors.

9. Notwithstanding the details shown on the approved plans, the consent hereby permitted does not convey any approval or support for signs or advertisements set into or affixed to the fabric of the building.
10. When the building is closed for the use hereby permitted the external window and door shutters shall be shut as shown on the approved plan ref. 2013/10 Rev B.