



Appeal Decision

Site visit made on 4 April 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/K1128/W/22/3307159

Stokeley Coach House, Kiln Lane, Stokenham, Devon TQ7 2SE

- 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 Jonathan Ducker against the decision of South Hams District Council.
 - The application Ref 0590/22/FUL, dated 17 February 2022, was refused by notice dated 26 July 2022.
 - The development proposed is porch extension, erection of garage/store and sub-division of 5 flatted properties to 1 house and 2 flats for rent.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Jonathan Ducker against South Hams District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. During the appeal, the appellant submitted an example revised front elevation. The changes are substantive in nature, altering the roof form and the proposed external materials. To consider these amendments at this stage would deprive those who were consulted on the application of the opportunity to comment. Furthermore, I do not have copies of other plans, such as the roof plan, that would also change as a result. I have therefore determined the appeal on the plans considered by the Council.

Main Issues

4. The main issues are the effect of the proposal on the mix and balance of housing stock in the locality; on the character and appearance of Stokeley Coach House, as a non-designated heritage asset; and on protected species, namely bats.

Reasons

Housing Mix and Balance

5. Policy SPT2 of the Plymouth and South West Devon Joint Local Plan (JLP), adopted 2019, seeks to create communities with a good balance of housing types and tenures. This is to support a range of household sizes and incomes to meet housing needs, to provide equal access to housing and to ensure a well-balanced demographic profile.

6. For similar reasons, JLP Policy DEV8 requires the provision of a mix of housing sizes and types, as supported by local housing evidence. It identifies that the most particular needs are for homes to redress an imbalance within the existing housing stock, including for younger people and working families. Although JLP Policy DEV7 seeks housing that includes four-bedroom properties, this policy only relates to the Plymouth Policy area, so does not apply to the proposal.
7. Stokeley Coach House has been converted into 4 two-bed units and 1 four-bed unit, at one time used for holiday accommodation. Although the lawfulness of this conversion has been questioned by the appellant, I have no substantive evidence on this matter. The proposal seeks to change the internal configuration of the property, to provide 2 two-bed units and a larger, six-bed unit. This would provide a better internal arrangement, with similar room uses stacked above one-another to reduce noise between them and to improve living conditions.
8. The proposal would also result in units with improved internal and external space, being more suitable for working from home whether on a full time or hybrid basis. It would also provide units with an improved quality of accommodation and would achieve higher environmental standards than existing.
9. The proposal may well meet the Nationally Described Space Standard. However, it would also result in the loss of 2 two-bed flats. Across the area covered by the Strategic Housing Market Needs Assessment 2017 (SHMNA), the household types projected to increase are those of lone parents and for single occupancy, with a relatively high need for smaller units, particularly two-bed flats. Use of units as holiday accommodation locally only exacerbates this need.
10. The appellant identifies large properties nearby that have been split into flats, resulting in the loss of family units. The SHMNA also finds a need for dwellings of four or more bedrooms. However, this level of need is much smaller than for 2 bed units, other than for Affordable Housing, which the proposal would not provide.
11. The SHMNA also states that 4+ bed units are best located in areas that do not already have high levels of under-occupancy. However, at over 50%, Stokenham parish already has a high number of significantly under-occupied properties, each with at least two vacant bedrooms, as well as a high proportion of older people and detached dwellings. As such, the loss of two-bed flats and the creation of a six-bed unit would only worsen the imbalance in the housing stock and the demographic profile of the area.
12. The delivery of housing over the JLP area is greater than its target. However, I have little evidence that the need for small units has been met as a result. Indeed, the appellant has provided examples of large-scale residential developments that have delivered few such units relative to their component of larger dwellings. The proposal would be minor compared with the supply of housing over the JLP area. Even so, because of the needs identified in the SHMNA, the loss of two-bed units would have a detrimental effect on the supply of smaller units locally.

13. I understand that the internal staircases do not comply with the Building Regulations, affecting the letting of the units, and that compliance could result in headroom restrictions for the accommodation below. However, I have little substantive evidence to suggest that the proposal would be the only way to achieve compliance with the Regulations.
14. For the reasons given above, the proposal would have a harmful effect on the mix and balance of housing stock in the locality, contrary to JLP Policies SPT2 and DEV8. For similar reasons, the proposal would also conflict with the National Planning Policy Framework (the Framework), which emphasises the need for housing for different groups in the community.

Character and Appearance of Stokeley Coach House

15. Stokeley Coach House is an attractive stone-built property, said to date from about 1700 and identifiable on an 1880 OS map. As such, it has significance because of its age and character. I therefore see no reason to doubt the Council's description of the building as a non-designated heritage asset.
16. The front elevation of the building currently has a flat roofed porch with uPVC windows and adds little to the appearance of the property. The proposed replacement extension would use contrasting external materials including grey timber-stained cladding. These may be similar to an earlier 2003 application but, in any case, they could be changed through a planning condition, as suggested by the appellant.
17. However, the design of the proposal also includes large windows. These would use a more visually appropriate aluminium material, but their full-height design would not match the proportions of other windows in the property. The pitched roof detail is intended to make the entrance more legible, but its insubstantial design appears somewhat odd and out of place with the traditional appearance of the rest of the elevation.
18. The proposal would therefore fail to reflect the significance of the existing property, for which little justification has been provided. It would therefore harm the character and appearance of Stokeley Coach House as a non-designated heritage asset. As such, it would be contrary to JLP Policy DEV20 which requires good design, and JLP Policy DEV21 which only permits harm to non-designated heritage assets where this is justified. For similar reasons, the proposal would also conflict with the requirement of the Framework to take into account the effect of a proposal on a non-designated heritage asset.

Protected Species

19. As part of the planning application, the appellant submitted an Ecological Impact Assessment (EcIA). This found that the site is a day and transition roost for bats, specifically common and soprano pipistrelles and brown long-eared bats. The proposal would involve internal and external works that would significantly affect the roost. The proposed mitigation includes a replacement roost and the EcIA confirms that a European Protected Species Licence (EPSL) from Natural England (NE) would be necessary for the proposal once planning permission has been granted.
20. Works have already been undertaken to the roof and the appellant has provided a copy of an EPSL, granted in October 2021, for activities associated with maintenance of the roof at Stokeley Coach House. However, this predates

the EcIA and the planning application the subject of this appeal. Furthermore, I have little evidence to suggest that the works granted by the EPSL are those for which planning permission is now sought.

21. As such, a further EPSL may well be necessary. I must therefore have regard to whether the proposal meets the three derogation tests of the Conservation of Habitats and Species Regulations 2017 (as amended), to establish whether there is a reasonable prospect that another EPSL would be granted by NE, to permit the proposal to lawfully proceed.
22. NE assume an over-riding public interest for alterations to existing dwellings, but this is essentially a matter of planning judgement. In this case, the benefits of the proposal are principally private ones to the appellant, and I have found no over-riding public interest. Furthermore, I have little substantive evidence to suggest that there is no satisfactory alternative to the proposal.
23. Therefore, although the Council's Ecologist considers that the proposal would have no significant detrimental population impact on the bats, two of the derogation tests would not be met. As such, it is unlikely that a EPSL for the works would be issued. Consequently, I cannot be satisfied that the proposal would not result in unjustified harm to protected species, namely bats. On this basis, the proposal would not comply with JLP policy DEV26, which requires that harmful impacts on protected species must be avoided wherever possible, unless the benefits of the development clearly outweigh the loss.

Other Matters

24. The proposal may result in less impact on neighbouring properties because occupants would generate fewer traffic movements and may be permanent rather than seasonal residents. Occupants of the proposal may also make use of local facilities, though equally fewer units could reduce demand for these. The proposal would improve the amenities for future occupiers by identifying areas of the garden for sole use. It would also create a central area for refuse and recycling, improving the current facilities. However, these benefits would be relatively small and are not inherently reliant on the proposal before me.
25. The site is close to Grade II listed buildings at Stokeley Farmhouse and Turnpike Cottage and is within the South Devon Area of Outstanding Natural Beauty (AONB). There is no dispute that the proposal would have little adverse effect on the listed buildings or their settings, or the natural beauty of the AONB. Having visited the site and its surroundings, I concur with this view. Accordingly, the special and historic interest of the listed buildings would be maintained and the natural beauty of the AONB would be preserved. However, this does not alter my conclusion on the main issues.

Conclusion

26. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with it. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR