



Appeal Decision

Site visit made on 13 April 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June, 2023

Appeal Ref: APP/Q1153/W/22/3313039

Greenacre Farm, Road From Golden Inn to Wagaford Bridge, Highampton, Devon EX21 5LU

- 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 Thomas against the decision of West Devon Borough Council.
 - The application Ref 2043/22/FUL, dated 7 June 2022, was refused by notice dated 14 October 2022.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by alternative plans which show a revised design including the removal of dormer windows. However, those plans do not appear to have been subject to public consultation or considered in the Council's decision. The amended plans relate to a main issue with which the Council and Parish Council raise concerns and to accept this evidence at this stage would deprive those who should have been consulted the opportunity of such consultation. Having regard to the principles of *Wheatcroft*¹, I have not taken this evidence into account, and have considered the appeal on the basis of the plans upon which the Council made its decision.
3. The description of development in the banner heading above is taken from the application form. However, I have removed reference to the approved barn conversion as this is not an act of development.

Main Issues

4. The main issues for the appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the site is a suitable location for a new dwelling having regard to the development plan;
 - whether the proposal demonstrates suitable carbon reduction benefits; and,
 - the effect of the development on local housing stock.

¹ *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL, 1982, P37]

Reasons

Character and appearance

5. The existing building on the site is an agricultural barn of traditional construction and appearance finished with timber and metal sheet cladding. With few openings and a low-pitched roof, it has a pleasing simplicity in keeping with its surroundings. The courtyard to the front of the barn is enclosed by mainly open fronted outbuildings with timber frames and sheet metal roofs that relate visually and physically to the main barn. The immediate area is generally agricultural in character with traditionally designed dwellings and converted barns that do not generally incorporate roof additions or dormer windows.
6. The proposed dwelling would replace the rear barn, it would be finished with larch cladding under a slate roof over two floors. The building would be sunk into the ground slightly enabling the provision of a steeper pitched roof and taller overall building though it would have a similar ridge height to the existing barn. With the upper floor contained partly within the roof, the dwelling would incorporate several rooflights, dormer windows and dormers with full-height doors. Two of these doors would lead out onto raised balcony areas.
7. Although the proposed dwelling would be physically detached from the retained outbuildings and benefit from a slate roof, it would, by reason of the change in roof pitch, number of openings and roof additions, have an overly domestic appearance. This would result in a development at odds with the simple agricultural appearance of the site and the outbuildings.
8. The roof pitch, materials and dormers would further emphasise the increased height of the building resulting in the roof dominating its appearance. The number, position and different types of dormer windows and openings would result in a contrived and overly busy and residential appearance, particularly to the west elevation. In this regard, the design would not be sympathetic to the locality and would depart significantly from the simpler low-pitched agricultural appearance of the existing buildings. As a result, it would diminish the contribution which the site makes to the wider area.
9. I note the use of larger windows to the south and west to maximise solar gains, reduce the demand for artificial lighting and to link to the rear garden. I also acknowledge that the building would be partly screened from the road by trees. However, other design options could provide equally effective solar gain benefits, result in access to the rear garden and reduce demand for lighting. These factors and screening of the site do not therefore justify the design which I have found to be harmful.
10. In conclusion on this matter, the development would have a harmful effect on the character and appearance of the area in conflict with Policies DEV10, DEV20 and DEV23 of the Plymouth & South West Devon Joint Local Plan (2014-2034) (LP). Amongst other things, these policies seek to ensure that development proposals reflect the character of the area within which they are located, are of a high quality reflecting and enhancing areas of recognised local distinctiveness, are compatible with or improve their surroundings and achieve well-designed places that are sympathetic to the local character and built environment.

Suitable location

11. Policies SPT1, SPT2, TTV1, TTV2 and TTV26 of the LP set out the hierarchy of settlements and restrict housing in the countryside. Policy HNPH2 (NP) has a presumption against development outside of the defined settlement boundary for Highampton. The site lies outside of any identified settlement or built-up area and is in the countryside for planning policy purposes.
12. Within the Countryside isolated development is restricted to that which meet an essential need for a rural worker to live permanently at or near their place of work, secures the long-term future of a significant heritage asset, secure the re-use of redundant or disused buildings and brownfield sites or secures a development of truly outstanding or innovative sustainability and design. The proposal for a new-build market home would not fall within any of these categories and consequently there is a clear conflict with the development plan.
13. Whilst the proposal could aid the supply of self-build housing, I note that Policy DEV9 of the LP directs self and custom build housing to locations that meet the overarching sustainable development, general amenity, and design policies of the LP. Given the location of the site would be contrary to the settlement hierarchy, the proposal does not find support from Policy DEV9 of the LP.
14. In the absence of the existence of a dwelling on the site, there is no dwelling to replace. As a result, the proposal would not find support from Policy TTV29 of the LP as a replacement dwelling.
15. In locational terms, the site is not a suitable location for a new dwelling having regard to the development plan provisions. As such, it would conflict with Policies SPT1, SPT2, TTV1, TTV26 and TTV29 of the LP and Policy HNPH2 of the NP and the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development follows sustainable development principles, prioritises growth through a hierarchy of sustainable settlements, has a presumption against development outside of the defined settlement boundary for Highampton, avoids isolated development in the countryside, permits the replacement of existing dwellings and is accessible to transport modes other than private cars.

Carbon reduction

16. Policy DEV32 of the LP outlines the need to deliver a low carbon future for the area. It states that this should be considered in the design and implementation of all development. Moreover, it states that developments should identify opportunities to minimise the use of natural resources over its lifetime which should be achieved by the reuse and recycling of materials in construction and by making the best use of existing buildings and infrastructure.
17. This approach is supported by DEV32.1 of the Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document Adopted July 2020 (SPD) which states that 'Where demolition is proposed with replacement dwellings, the site should include comparative carbon impact of doing nothing, upgrading existing development and the proposed scheme'.
18. Although the appeal is supported by a Policy DEV32 Checklist detailing the opportunities for carbon reduction benefits of the proposal, to my mind several of the responses given in the Checklist could apply equally to the conversion of the existing barn. Moreover, the Checklist and appeal documentation do not

detail how the construction of a new dwelling would provide carbon reduction benefits over and above that of converting the existing agricultural building. There are no calculations with regards to the embodied carbon in the structure to be demolished, or calculations of the embodied carbon of the new building or comparison to conversion of the existing building such that I would be able to be certain that the proposed development would provide a suitable carbon benefit.

19. In conclusion on this matter, the proposal fails to demonstrate that it would provide suitable carbon reduction benefits. As such, it would conflict with Policies SPT1.2 and DEV32 of the LP and the Framework. Amongst other things, these seek to ensure the delivery of, and transition to, a low carbon future by making the best use of existing buildings and infrastructure.

Effect on housing stock

20. Policy DEV8 of the LP, DEV8.1 of the SPD and Policy HNPH3 of the NP seek to ensure an appropriate mix of dwelling types and sizes to redress an imbalance within the existing housing stock.
21. The proposal is for a four-bedroom detached dwelling for which there is already a significant supply in the Parish. However, the site already benefits from prior approval² and planning permission³ with the relevant plans for each detailing a detached dwelling showing an internal layout with four bedrooms.
22. The principle established by the grant of prior approval and planning permission represents a genuine 'fallback' position and there is every prospect that the building would be converted to a dwelling should this appeal fail and a clear intent to develop the site has been demonstrated. As a result, the appeal proposal would not result in the provision of additional detached or four-bedroom properties.
23. In conclusion on this matter, the proposal would not materially alter the balance of the existing housing stock. As such, it would not conflict with the aims of Policy DEV8 of the LP, DEV8.1 of the SPD and Policy HNPH3 of the NP.

Other Matters

24. This appeal must be weighed against the fact that prior approval and planning permission have been granted for change of use of the agricultural building to a four-bed dwelling. As established above, this represents a genuine 'fallback' position with every prospect of the conversion going ahead should the appeal fail.
25. One of the main purposes of restricting housing development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. The site is a considerable distance from the nearest services and facilities via narrow unlit roads without pavements. Such journeys would thus generate additional car trips. However, any harm in this regard would be offset by the fact that the existing building could be used as a four-bed dwelling under either of the two consents in place. The number of trips generated to and from the site and number of bedrooms would therefore be comparable, as would the housing size, type, tenure and balance.

² 2838/21/PDM

³ 3714/21/FUL

26. Whilst the fallback position could allow the conversion of the agricultural building to a dwelling, those works do not involve an increase to the pitch or height of the roof, nor does it propose the use of dormer windows. The consented conversion works would result in a simple design and appearance reflective of the agricultural location of the site and agricultural appearance of the existing buildings. This would be the case even if more glazing or rooflights were introduced. The fallback position would also result in the removal of parts of the outbuildings. Consequently, the proposal would not result in betterment over the fallback position, as it would have a greater impact on the character and appearance of the area.
27. The appellant advises that there are biodiversity and landscape improvements that could be secured as part of this proposal over and above the fallback consents. However, I have little information on the precise nature of these benefits such that weight could be afforded to them in favour of the proposal.
28. The appellant raises concerns regarding engagement with the Council during their consideration of the planning application however these are not matters which are for consideration in this appeal.
29. The provision of a suitable access and on-site parking provision, and the lack of harm to the living conditions of neighbouring occupiers, are all neutral in my consideration of this appeal.

Conclusion

30. In light of the above, I conclude that the proposal would conflict with the development plan when taken as a whole. Whilst the proposal would have similar impacts in terms of traffic generation, dwelling size and bedroom numbers to the consented works, there would be additional impacts and lack of evidence to justify suitable carbon reduction benefits. So, whilst there would be no conflict with Policy DEV8 of the LP, DEV8.1 of the SPD and Policy HNPH3 of the NP, the material considerations are not sufficient to outweigh the conflict with the development plan.
31. Although a fallback has been identified that justifies the principle of residential development of this size in this location, the fallback positions would have a less harmful impact on the character and appearance of the area and the appeal proposal would not provide a betterment. As a result, the fallback position is not sufficient to outweigh the conflict with the development plan, when read as a whole.
32. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

C Rose

INSPECTOR