



Appeal Decision

Site visit made on 18 April 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2023

Appeal Ref: APP/Y1138/W/22/3308156

Studleys, Road Past Middle Ashculm Farm, Hemyock EX15 3SU

- 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 and Mrs Morley against the decision of Mid Devon District Council.
 - The application Ref 22/00444/FULL, dated 21 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is to convert the redundant workshop building to a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the suitability of the existing workshop for conversion, having regard to the Council's spatial strategy.

Reasons

3. The appeal site is located within a rural area, to the north of the village of Hemyock. It is set within attractive gently rolling countryside with relatively few residential dwellings immediately nearby. Where there are houses, ancillary outbuildings are reasonably common, reflecting the rural character of the area.
4. Policy DM9 of the Mid Devon Local Plan 2013 – 2033, adopted July 2020 (the Local Plan), allows the conversion of redundant or disused rural buildings to residential use, providing that they positively contribute to an area's rural character. In this instance, the rural building is a relatively large former workshop which is of wooden construction with a pitched metal roof. On my site visit, I observed that the workshop was completely empty and therefore appeared to be disused.
5. Timber constructed outbuildings are not unusual in rural locations, and indeed there are several similar examples within the vicinity of the appeal site. As a result, the workshop does not appear out of place or incongruous with its surroundings. However, given its general appearance, it cannot be concluded that it positively contributes to the area's rural character. Rather, it has a neutral effect.
6. While the construction of the building was previously approved by the Council for use as a workshop, it does not automatically follow that it must then be suitable for conversion to residential accommodation. The appellant has also

set out that the neighbouring Grade II listed building, known as Studleys, recently received planning permission for an annex which would be of a similar design to the proposed development. However, I have no evidence before me to suggest that the Council concluded that the workshop and annex would have any more than a neutral effect on the character and appearance of the area and the setting of the listed building. In terms of the appeal before me, the wording of Policy DM9, which concerns the conversion of redundant rural buildings, is very specific and I have set out why the workshop does not meet those requirements. The fact that the proposal may satisfy other elements of the policy cannot overcome this issue.

7. I therefore conclude that the existing workshop is not suitable for conversion, having regard to the Council's spatial strategy, and therefore conflicts with Policy DM9 of the Local Plan. Given that the proposed development would not involve the residential conversion of an appropriate existing building, it therefore follows that it is also in conflict with Local Plan Policy S14 which relates to development in the countryside.

Other Matters

8. Studleys, the neighbouring Grade II listed dwelling, is an historic looking property with a thatched roof, stone chimney stack and wooden windows. These elements contribute to its significance as a traditional rural home. Given that the external appearance of the workshop would not be significantly altered, the proposed development would have a neutral effect, and would therefore not harm the setting of the listed building.
9. The appellant has set out that the proposal would enhance the area by replacing a workshop that has no limits on noise or type of operation. I have no substantive evidence before me that ongoing use of the workshop would in any way detract from the character of the area or impact on neighbouring living conditions. Moreover, the external appearance of the workshop would not be significantly altered as a result of the proposed development, and so enhancement of local character is highly unlikely to be achieved.
10. The proposal would result in the provision of an additional residential dwelling. In addition, it would re-purpose an existing disused outbuilding and there is potential for some ecological benefits. However, given the small scale of the proposal, these benefits are very limited and do not overcome the conflict with the development plan that I have identified.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR