



Appeal Decision

Site visit made on 4 July 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/K1128/W/22/3299704

Development site at SX 810 395, Beeson, Devon

- 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 Sarah Hanmer against the decision of South Hams District Council.
 - The application Ref 3318/20/FUL, dated 14 October 2020, was refused by notice dated 30 March 2022.
 - The development proposed is described as, 'Renovation of a disused barn and yard to create a new dwelling with associated landscaping works. See drawings and Design and Access Statement for detailed description'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address set out on the Council's Decision Notice as the application form only contained a grid reference.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the development plan;
 - The effect of the proposed development on the character and appearance of the area including the Undeveloped Coast and the South Devon Area of Outstanding Natural Beauty (AONB); and
 - If harm is identified, whether it would be outweighed by other material considerations.

Reasons

Location

4. The Council's spatial strategy, set out in Policies SPT1, SPT2, TTV1 and TTV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 adopted March 2019 (JLP) seek to deliver development in locations which are accessible to a range of services and facilities and where they are well served by public transport. There is no dispute between the Council and the appellant that the appeal site is in an isolated location and I see no reason to disagree.

5. Future residents of the appeal scheme would be residing in a location particularly remote from services and facilities and would be car reliant. The submitted Transport Statement¹ refers to there being local shops and a school in Stokenham which is approximately 3.5km away. The duration and frequency of daily car journeys would soon add up to a high number of miles travelled with the associated carbon emissions. There is also no particular evidence before me that one additional dwelling in this location would offer particular support to rural services in other nearby settlements given its significant physical detachment from them. In this regard, I agree with the Council that the appeal proposal would be poorly related to services and facilities and therefore would be at odds with the spatial strategy for the provision of housing.
6. However, an isolated location is not a bar to development as Policy TTV26 (1) of the JLP permits isolated development in the countryside in exceptional circumstances such as where it would: (ii) secure the long term future and viable use of a significant heritage asset; or (iii) secure the reuse of redundant or disused buildings for an appropriate use; or (v) protect or enhance the character of historic assets and their setting.
7. There is no dispute between the Council and the appellant that the building on site is a non-designated heritage asset. The appellant's evidence indicates that the building was erected sometime between the sixteenth and nineteenth centuries with the 1841 Tithe Map depicting an agricultural complex made up of the barn and two outbuildings within the yard to the south. The building is constructed of local materials. The Tithe Map also indicates that the surrounding fields were primarily in arable use. This, together with the form and appearance of the building suggests that it could have been a threshing barn. Therefore, insofar as it relates to this appeal, the building derives significance from its architectural and historic interest as a vernacular rural agricultural building and the Council accept that some weight should be given to its preservation. The conversion of the barn to a dwelling would therefore be a viable use which would secure the long term future of the building as set out in Policy TTV26 (1) (ii).
8. I now turn to whether the appeal proposal would secure the reuse of redundant or disused buildings for an appropriate use. The Council argue that housing in a location without good accessibility to services and facilities and public transport options would not represent an appropriate use. However, for the reasons set out in Paragraph 6 above, Policy TTV26 does not expressly prevent the provision of dwellings in the countryside in locations with an inherent reliance on the car. In the absence of a definition of 'appropriate use', I have also had regard to Paragraph 80 of the National Planning Policy Framework (the Framework). This provides support for the provision of homes in the countryside in a specified number of circumstances. Taken together this leads me to conclude that a dwelling is not excluded from being an appropriate use in the countryside and therefore I find no conflict with Policy TTV26 (1) (iii).
9. I therefore turn to whether the appeal proposal would protect or enhance the character of historic assets and their settings. The appeal building is a simple vernacular agricultural building within an agricultural yard complex lying in a rural landscape. The alterations necessary to convert the building to habitable

¹ By Create Consulting Engineers Ltd dated September 2020

accommodation including the insertion of windows and rooflights together with the provision of an access drive, parking area and solar PV array, will result in the building and appeal site having a clearly domestic appearance at odds with the origins of the agricultural complex. As a result, I do not find that the appeal proposal would protect or enhance the rural agricultural character of the historic asset and its setting. As such, the proposal would be at odds with Policy TTV26 (1) (v).

10. Given that I have found some support for the proposal in terms of Policy TTV26 (1) (ii) and (iii), I now turn to Part 2 of Policy TTV26 which states that proposals should, where appropriate, re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration. I am satisfied that it is appropriate to apply this criteria to the appeal proposal given that it involves the re-use of a barn which the evidence provided by the appellant clearly indicates is a traditional building.
11. The proposal involves the conversion of the barn to provide living accommodation. The submitted plans indicate the use of the existing openings with a limited number of new openings positioned in the rear elevation and roof slope of the building. I saw that the building was well maintained and appeared structurally sound. Indeed, there is nothing before me to suggest that the building itself requires significant alteration in order to secure its use as a dwelling.
12. However, the appeal proposal also includes the erection of two detached single storey buildings within the walled yard area to the front of the building. One replaces an outbuilding which is in a poor condition and the appellant's evidence indicates that the other would be on the site of a former building dating back to sometime around 1841 which made up the agricultural cluster of buildings. These would each provide two bedrooms and a bathroom, resulting in a somewhat unorthodox living arrangement requiring the occupants to step outside and cross the yard to reach the bedrooms. It would appear to me that the barn would be large enough to be converted to a dwelling without these additions. In my view these two buildings amount to a significant enhancement and alteration in order to bring about the appeal scheme and its use as a home contrary to Policy TTV26 (2).
13. The Council refer to Policy TTV27 in the reason for refusal. However, this relates to the provision of affordable housing on sites adjoining or very near to an existing settlement, which for the reasons set out above, does not apply to the appeal proposal.
14. To conclude, I have found that there is some support for the proposal in terms of it securing its long term future and viable use and that the use would be appropriate. However, I have found conflict with Policy TTV26 in that the appeal scheme involves significant enhancement or alteration, by way of the addition of two separate buildings, to bring about the use of the barn as a home. The exceptional circumstances to justify an isolated location have not been demonstrated. As a result, the proposal would be at odds with the spatial strategy and thus not in a sustainable location. The proposal would harmfully undermine the adopted spatial strategy for housing in the development plan and the public interest in having a planning system that is genuinely plan led.

Character and appearance

15. The appeal site is located within the AONB and the Undeveloped Coast and exhibits many of the special qualities identified in the South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 (AONBMP).
16. The elongated appeal site is nestled in a discreet hollow or coombe surrounded on three sides by rising land and contained within a boundary of established trees and hedges. The main barn is located towards the northern end of the site with the land to the south appearing to have been landscaped and cultivated for a period of time. This consists of ponds, established planting and mown grass areas. Its isolated location means that the area has a tranquil character and I note from the interested parties and the AONBMP that the dark night skies are a valued attribute.
17. There is a public right of way running along the eastern boundary of the site in the form of a 'green lane'. Views into the appeal site from here are very limited due to established boundary planting. The two points of access provide limited views into the site but the site benefits from dramatic views out towards the countryside to the south and towards the coast².
18. The main barn and the walling surrounding the yard are already in situ. These yard walls would be extended and rebuilt in places such that they would conceal much of the domestic paraphernalia associated with the residential occupation of the building and the parking area would be provided in a discreet location to the rear of the building. A solar photovoltaic array is proposed in the northern most part of the site and an anti-reflective matt finish has been proposed to limit glare. In this respect, I am satisfied that the proposals would preserve the special qualities of the AONB.
19. The residential occupation of the buildings would mean that artificial lighting would be required at night. The appellants 'Shift Statement' dated 1 March 2021 sets out a variety of measures proposed to limit light spill from the proposed development. This includes external fins or louvres over the large first floor window on the south elevation of the main barn, an anti-reflective coating or finish to all glazing at first floor level in the south elevation, recessing windows in deep reveals and some alterations to windows and rooflights on the rear elevation. I am satisfied that all these measures together would have some effect on reducing light spill. I have also had regard to the Council's suggested conditions which would also assist.
20. However, none of these would not eliminate light spill. Together with the proposals which include a number of rooflights in the two new buildings and the unorthodox nature of the living accommodation requiring some form of external lighting to access the bedrooms from the main living accommodation, and in the absence of evidence to the contrary, I find that the proposal would lead to light spill in what I have set out above is a remote rural enclave in the AONB which evidence from interested parties leads me to conclude that it currently enjoys a natural nightscape. The proposal would not therefore maintain a dark night sky within this part of the AONB.
21. I note that the Council's own 'Landscape Specialist' raised no objections to the proposal but this does not alter the harm I have identified.

² Paragraph 0.02 of the Studio Bark Design and Access Statement

22. The proposal is contrary to the requirements of Policies DEV23, DEV24 and DEV25 of the JLP which require that development conserves the special qualities, distinctive characteristics or valued attributes of the area and are designed to prevent the erosion of intrinsically dark landscapes.

Other considerations

23. The proposal would be at odds with the Council's spatial strategy in terms of its isolated location and I have identified harm to the character and appearance of the area including the Undeveloped Coast and the AONB. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
24. The Framework is not part of the development plan but is a material consideration. Paragraph 80 of the Framework permits the development of isolated homes in the countryside in certain circumstances including where it would represent the optimal viable use of a heritage asset and where the development would re-use redundant and disused buildings and enhance its immediate setting. Given that these are deliberate exceptions to the normal approach to isolated dwellings, it is implicit that account had already been taken of the relatively poor accessibility that is likely to occur in such locations.
25. The appellant argues that Policy TTV26 sets out more stringent tests than those set out in Paragraph 80 of the Framework. Even if I agreed with the appellant, when assessed against the requirements of Paragraph 80 I do not find that the appeal proposal accords with its requirements in any event.
26. In particular, I am not persuaded that the appeal proposal represents the optimal viable use of the appeal building as set out in Paragraph 80 (b). There is no evidence before me that alternative uses for the building have been considered or actively pursued and that use of the former agricultural building as a dwelling is therefore the optimal viable use for the building, particularly bearing in mind that this is inherently the most intrusive form of new use for a building like this.
27. In addition, I have set out in Paragraph 9 above that the residential domestication of the areas around the building would not enhance its immediate setting as required by Paragraph 80 (c) of the Framework.
28. The appellant has submitted a Planning Obligation in the form of a Unilateral Undertaking (UU). It seeks to ensure that locally sourced materials are used and that there is a management plan in place for the biodiversity enhancements. The Council say that both these elements could be adequately addressed by conditions and I agree. The UU also requires that access is provided for education and scientific purposes which the appellant says is consistent with Paragraph 80 of the Framework which seeks to raise standards of design more generally in rural areas. However, this is with reference to proposals where the design is of exceptional quality, truly outstanding and reflecting the highest standards in architecture which I have not found to be the case. In any event, this provision would only apply for the duration of the development and as such any benefits would be temporary and short term. In summary therefore, I give the UU limited weight.
29. I note that the Council raised no objections in terms of highway safety, drainage, flood risk and the living conditions of neighbouring occupiers but

rather than being benefits of the proposal, these are neutral factors in my consideration of this appeal.

30. Reference has been made to a planning application made in respect of Middlecombe Farm. I have been provided with very limited information but understand that this related to the remodelling and refurbishment of redundant agricultural buildings into ancillary gallery/workshop/studios and accommodation and would not therefore appear to be comparable to the proposal before me. I give this limited weight.
31. I acknowledge that the proposal includes biodiversity net gain improvements and would be completely off grid and I give these benefits moderate weight.

Planning Balance

32. I have a statutory duty³ to have regard to the purpose of conserving and enhancing the natural beauty of the AONB and Paragraph 176 of the Framework requires that I give great weight to conserving and enhancing landscape and scenic beauty in the AONB. Paragraphs 174 and 185 of the Framework seek to maintain the character of the undeveloped coast and limit the impact of light pollution from artificial light on intrinsically dark landscapes respectively.
33. Against this background, the moderate benefits of the scheme do not outweigh the harm I have found to the spatial strategy, the AONB and the Undeveloped Coast. Given these findings, the proposal is also at odds with Paragraphs 126 and 132 of the Framework which seeks to achieve well designed places.

Other Matters

34. I have considered other matters raised by interested parties including, but not limited to, alterations to the public right of way, water course tampering and future proposals to link the two outbuildings with the main barn but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.

Conclusion

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

Alison Fish

INSPECTOR

³ Section 85 of the Countryside and Rights of Way Act 2000