



Appeal Decision

Site visit made on 1 August 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/Q1153/D/23/3315294

Brook Barn, Milton Combe, Yelverton PL20 6HP

- 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 Dr and Mrs I Robinson against the decision of West Devon Borough Council.
 - The application Ref 3598/22/HHO, dated 14 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the extension in place of existing conservatory, and widening existing vehicular entrances by removal of existing stonework.
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Decisions

1. The appeal is dismissed insofar as it related to the extension in place of the existing conservatory.
2. The appeal is allowed insofar as it related to the widening of the existing vehicular entrances by the removal of existing stonework such that planning permission is granted for widening existing vehicular entrances by removal of existing stonework at Brook Barn, Milton Combe, Yelverton PL20 6HP in accordance with the terms of the application, Ref 3598/22/HHO, dated 14 October 2022, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, only insofar as the widening of the existing vehicular entrances by the removal of existing stonework, shall be carried out in accordance with the following approved plan: Scheme Design – Drawing Number 22-021.02.

Main Issues

3. The main issues are:
 - the effect of the two storey extension and other alterations to the building on the character and appearance of the area, having regard to the location within the Milton Combe Conservation Area and the Tamar Valley Area of Outstanding Natural Beauty (AONB), and
 - the effect of the works to widen the vehicular entrances on the character and appearance of the area, including the Milton Combe Conservation Area.

Reasons

Two storey extension and other alterations to the building

4. Brook Barn is located within the Milton Combe Conservation Area and the Tamar Valley AONB. The Conservation Area covers the village of Milton Combe and parts of the countryside surrounding it which provides a rural setting to some of the built form. The significance of the Conservation Area includes the mix of many traditional and historic buildings, often cottages with natural stone or painted stone elevations, fronting and in proximity to the narrow road through the village and some with a verdant backdrop. There are some more modern built additions and alterations, including extensions to cottages, although they generally form the minority of the built form.
5. Brook Barn is a dwelling converted from a stone barn in about the late 1980s or early 1990s. It is generally an attractive and traditional building sited perpendicular to the road, towards the southern most section of the village. The building faces down its narrow garden, which is located between the hedged boundary to the road and the stream. To the general east lies rising, open countryside giving a rural setting to the site and building.
6. The original barn was a fairly modest building and has been converted to a dwelling which generally has a depth of one room. The ridge and eaves are reasonably low such it seems that the half dormers have been added to the southern elevation to provide windows and an internal space with reasonable head room. The kitchen and lounge accommodation are on the first floor and accessed by an external stone staircase on the furthest part of the front elevation from the road. The building is, after the conversion, still pleasantly proportioned with the brown timber windows not being especially prominent such that the original stone fabric of the building is largely intact and visible. The building makes a positive contribution to this part of the Conservation Area and this front elevation is visible through the gateway from the road. The Conservation Area boundary includes Brook Barn and its garden, and the road outside the dwelling itself, but does not extend much further south along the road or to the countryside to the south east.
7. At some point a conservatory has been added to the front elevation and this is quite a prominent addition. It has a stained timber frame, a low stone base and a polycarbonate roof. The conservatory is an incongruous addition attached to the principal elevation, although it is a reasonably light weight structure, and the original stone of the main wall is still present above the roof and partially visible through the conservatory itself.
8. The Council make the case that Brook Barn should be considered a non-designated heritage asset. The Planning Practice Guidance explains that a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets, with only a minority have enough heritage significance to merit identification as non-designated heritage assets.
9. Brook Barn has not been identified as a non-designated heritage asset through a local or neighbourhood plan-making process or a conservation area appraisal. The evidence does not indicate that the building appears on the Historic Environment Record.

10. The Practice Guidance acknowledges that in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. There have been no detailed archaeological or similar investigations in this case and the evidence that the Council puts forward is mainly limited to the information that the original building can be identified on the OS first addition maps and is considered a non-designated heritage asset by way of age and architectural merit. While this is noted, there is no detailed assessment from the Council of the building's heritage significance or the effects that the conversion has had on its value. I am not satisfied that the evidence demonstrates that Brook Barn has enough heritage significance to merit identification as a non-designated heritage asset.
11. The building, nevertheless, is an attractive structure, and retains much of the original stone, south facing elevation. This can be appreciated from the adjoining section of road where the building makes a positive contribution to the Conservation Area. With the building's relationship to the open land to the general east, it also forms and contributes to the landscape and scenic beauty of this part of the AONB.
12. The proposal includes the removal of the conservatory which would be a benefit of the scheme. It would be replaced by a two storey addition to this principal elevation with other works including to the external stairway. The extension would be reasonably wide, the ridge would extend up close to the ridge of the main building and, in particular, the extension would project quite a distance from the main face of the building, relative to the proportions of the original barn. A reasonable amount of the original stone elevation would be covered or lost with the scheme, including the area where the external stairway is located. The fairly large rooflights on either side of the projecting roof, although similar to those in the main roof, would draw the eye and would not be a sympathetic addition to the extension. The end gable of the extension, with the composition of the ground floor windows and the large windows at first floor with their vertical emphasis, would provide a somewhat uncomfortable visual arrangement and over emphasise this section of the building to the detriment of the original character of the barn.
13. I can understand the rationale for the upper section of the extension being partly clad in timber to seek to differentiate the new from the older fabric. However, this approach would be undermined by the lower stone section which would be less legible as a new addition and could alter the original understanding of the plan form of the building within this part of the Conservation Area.
14. While acknowledging the benefits from the removal of the conservatory, the two storey extension would be experienced as an overly large addition in relation to the modest scale of the building and its size and design would unduly harm the character and appearance of the building in this setting.
15. Consequently, the development would detract from the appearance of the building in its rural setting at the edge of the village and, thereby, would diminish the landscape and scenic beauty of this section of the AONB. This would be to a localised and moderate extent, nevertheless, the National Planning Policy Framework (the Framework) requires that great weight should

be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

16. In terms of the impact on the Conservation Area, for the reasons I have set out, the additions and alterations to the dwelling would harm the character and appearance of the existing building within the site and the immediate surroundings in which it was experienced, including views through the access to the elevation. In coming to this view, I have taken into account the presence and the effect on the character of the area of the more modern interventions and additions within the Conservation Area that have been drawn to my attention and which I saw at my site visit, including the visual appearance and height of the retaining wall opposite the entrance to the site and the size and design of windows in other buildings.
17. I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area¹.
18. The combined effect of the extensions and alterations to the building would be to cause moderate harm to the character and appearance of this part of the Conservation Area. Nevertheless, this level of harm would detract from the significance of this designated heritage asset. The harm to the Conservation Area as a whole would be less than substantial within the meaning of paragraph 202 of the Framework. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal.
19. The Planning Practice Guidance explains that public benefits should flow from the proposed development, and they should be of a nature or scale to be of a benefit to the public at large and not just be a private benefit. In this case, the benefits of the scheme would predominantly be for the occupants of the extended building and therefore any public benefits, such as with the economic impacts resulting from the construction work, would be reasonably minor and short term, and should be afforded very limited weight.
20. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. I have found that the public benefits of the proposal afford very limited weight and, therefore, would not outweigh the harm to the Conservation Area and its significance, which although moderate, in accordance with the Framework, is required to be attributed great weight.
21. In the light of the above analysis, I conclude that the two storey extension and related alterations to the building would harm the character and appearance of the area and would not preserve or enhance the character or appearance of the Conservation Area. Furthermore, the scheme would detract from the landscape and scenic beauty of the AONB. The proposal would, therefore, in respect of this aspect of the scheme, conflict with Policies DEV20, DEV21, DEV23 and DEV 25 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (the Local Plan) and the Framework which seek, amongst other things, that development proposals protect and improve the quality of the built environment through having proper regard to the pattern of local development and the wider development context and surroundings.

¹ Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

22. I have noted the advice in the Supplementary Planning Document, 'Traditional Farm Buildings: Their Adaptation and Re-use'. However, as the building was converted some time ago and is a dwelling for planning purposes, I consider that the document merits only limited weight in the consideration of the issues in this appeal.

Widening of the entrances

23. One side of the garden is bounded with the road by an established hedgebank. Within this length of boundary there are two vehicular accesses leading to modest sized parking areas. The road in front of the property is narrow and manoeuvring into either of the parking areas is further compromised because of the high walls on the other side of the road and the reasonably narrow entrances.
24. With the access closest to the dwelling, the removal of a short area of mortared wall would not materially affect the section of the more characteristic hedgebank. The end section of the hedge would need to be trimmed back but no hedging plant should be lost. The section of the wall closest to the dwelling would not be affected. These works would result in a very minor change to the opening and would not affect its character or the appearance in the street scene, although the frontage of the dwelling would likely to become a little more visible. The removal of a short section of the end of the wall would markedly improve the ability to manoeuvre vehicles into and out of the site and would improve the ability to park off the highway, which is important in the village because of the narrow road with very limited on-road parking opportunities.
25. Overall, this change would have a neutral effect on the character and appearance of the Conservation Area, and it would not be harmful to the landscape and scenic beauty of the AONB.
26. It is also proposed to widen the other vehicular access with the removal of the end mortared sections of the hedgebank. This access change would be a little more noticeable than the other access works. However, the width of the access would not appear overly large, the vast majority of the hedgebanks would remain and the appearance with the sliding gates set back from the road edge would be an acceptable feature in the street scene. This reasonably modest change, in the context of this road and the existing access, would not be especially noticeable or prominent once completed. It would also benefit parking and the convenience of other motorists using the road.
27. Again, I consider that the changes to this access would have a neutral effect on the character and appearance of the Conservation Area and it would not be harmful to the landscape and scenic beauty of the AONB.
28. Drawing these matters together, I conclude that the works to widen the vehicular entrances would preserve the character and appearance of the area, including the Milton Combe Conservation Area. This element of the development would, therefore, not conflict with Policies DEV20, DEV21, DEV23 and DEV 25 of the Local Plan and the Framework which, notably, requires that great weight should be given to the conservation of designated heritage assets.

Other Matters

29. I have taken into account in my assessment of the scheme that there is a letter of support from a local resident and that the Parish Council raise no comment to the proposal.

Conclusion

30. I have found that the proposed extension and other related alterations to the dwelling would harm the character and appearance of the area, including the Conservation Area and the AONB. This aspect of the proposal would cause undue harm, conflict with the related planning policies and would not be outweighed by the benefits of the development. In terms of this part of the scheme, the development would not comply with the development plan when considered as a whole and other material considerations do not indicate a decision should be made otherwise. Accordingly, this part of the appeal proposal should be dismissed.
31. However, I have found that the widening of the existing vehicular accesses would not be harmful to the character and appearance of the area, including the Conservation Area and the AONB. This aspect of the proposal would be policy compliant and accord with the development plan as a whole. There are no material considerations that indicate the judgement on this aspect of the scheme should be made otherwise than in accordance with the development plan.
32. Section 79(1)(b) of the Town and Country Planning Act 1990 allows at a s78 appeal the ability for the Inspector to issue a split decision. I am satisfied that the works to the dwelling and the works to the two accesses are clearly severable, both physically and functionally. Each part could be undertaken and be completed independently of each other. I have considered both elements of the development separately and found one acceptable and the other not.
33. In these circumstances, I intend to issue a split decision. I will allow the appeal and grant planning permission for the works to the two accesses and dismiss the appeal for the extension to the dwelling and the associated works.
34. In terms of any conditions that should be attached to the element to be permitted, the statutory time limit is required and a condition specifying the approved plans (and that only the access works are allowed) is necessary in the interests of certainty. The Council have listed other conditions in its submissions; such as the need to address flood risk and materials which are concerned with the details of the extension. I do not consider that the proposed works to the accesses, which are reasonably minor, raise other issues. The details of these works are shown on the drawings and further conditions would not be reasonable or necessary.
35. Accordingly, I conclude that the appeal insofar as the works to the accesses should succeed. However, for the reasons explained, the appeal against the proposal to erect an extension and other alterations to the dwelling should be dismissed.

David Wyborn

INSPECTOR