



Appeal Decision

Site visit made on 23 August 2023 by R Dickson BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/J9497/D/23/3316273

Gidleigh Lodge, Gidleigh, Chagford, Devon TQ13 8HR

- 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 & Mrs I Shortland against the decision of the Council of the Dartmoor National Park Authority.
 - The application Ref 0393/22, dated 4 August 2022, was refused by notice dated 10 January 2023.
 - The development proposed is described as "Infill to loggia, small infill extension and minor alterations".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the increase in the size of the dwelling would be acceptable with specific regard to maintaining a mix of house sizes in the interests of the sustainability and vibrancy of the economy.

Reasons for the Recommendation

4. Policy 3.7 of the Dartmoor Local Plan 2021 (LP) sets out the Council's position on extensions in the above context, with a 30% limitation rule for the increase of floor space, measured cumulatively with any previous enlargements to the dwelling since April 1995. This safeguards against cumulative increases. The main parties accept that the increase in floor space would be over 30% of the original, based on this principle. The Council's evidence alludes to why this restriction exists. The inference being that it is to maintain a mix of house sizes in the above mentioned interest. The officer report suggests that by virtue of its location and setting, the existing dwelling is likely to be beyond the financial means of many of the working population of Dartmoor's residents, but the LP identifies the importance of retaining a mix of housing sizes to support sustainable communities and a vibrant local economy.
5. There is no compelling evidence pertaining to what the mix of house sizes in the immediate settlement/sub area or indeed Council area/National Park is and whether therefore the proposed changes would tip any balance or result in an over provision of one type vs another. Whilst one can take it as common

ground that the appeal scheme, when considered alongside what has gone before, would represent a clear breach in the limitation expressed by policy, there is no compelling evidence to demonstrate what further harm such a breach would result in. The appeal building is a detached three bedroom bungalow and that would not change as a result of the proposals. The Council's explanation taken from the officer report above reads as a re statement of policy conflict as opposed to suggesting or specifically evidencing what further harm may arise as a result.

6. There is no reason for me to disagree that the design and scale of the proposed extensions would satisfy the other relevant criteria of Policy 3.7, but the fulfilment of that policy clearly expresses an 'and'. As such, both provisions of design/scale acceptability and the limitation on the expansion of the floor space must be satisfied for a given scheme to comply therewith.
7. Addressing the reasons for the policy restriction specifically, and whilst there is some credence to the appellant's door locking and horse bolting analogy, it is there in part for the sake of maintaining affordability in the National Park. Or at the very least a balance and mix of dwellings to provide some form thereof. Affordability can be a challenge for the incumbent community to remain in an area in which they were born and a strategy needs to operate in an attractive part of the country to live where a number of second homes will no doubt already be. Allowing too many buildings to grow by too great a degree can, cumulatively, undermine such a strategy. Relating this to the appeal building, it would cumulatively grow by over another half of its original floor space even taking the Council's lower figure which is in itself significant. The larger kitchen/living space and orangery would no doubt add significant value and beyond limiting development to be carried out in accordance with approved plans, there are no reasonable controls a planning permission could impose to prevent the internal layout changing to accommodate more than three bedrooms, a further factor that would add yet more value.
8. With this in mind, I do not believe it would be correct to allow the appeal since, for the reasons I have set out, there is a potential for the aims behind the floor space restriction to be cumulatively undermined specifically due to the real possibility for an argument of a lack of demonstrable harm over and above policy conflict to be repeated too often for other similar schemes. What it ultimately boils down to, is that there has not been a sufficiently compelling case presented to depart from the explicit limitations of the development plan for the restriction on the growth of dwellings in the National Park. The development plan is not of great age, and it has been through a relatively recent examination where the approach of its policies, include the one in debate here, has been found to be evidenced and sound. Any conflict therewith should therefore be worthy of substantial weight. The proposed increase in floor space would therefore be unacceptable with specific regard to maintaining a mix of house sizes in the interests of the sustainability and vibrancy of the economy.

Other Matters

9. The proposed extensions would enable occupiers to work at home and thus be of benefit to the local economy. Putting aside the limited evidence to demonstrate how this would be the case, it is unclear as to whether such

measures could not be accommodated within the existing, unaltered dwelling. This matter would therefore be worthy of only limited weight.

10. The Council refer to Spatial Policies 1.3, 1.5 and 1.7 in their reasons for refusal. On my reading however, these policies refer to where new development should be directed as a matter of principle, its design suitability and quality and the protection of local amenity respectively. None of which seem to be contentious matters for the appeal.

Conclusion and Recommendation

11. The appeal scheme would conflict with the development plan, specifically Policy 3.7 of the LP (the aims of which I have set out). There would also be conflict with Spatial Policy 1.2 insofar as the scheme would not support National Park purposes. There are no material considerations worthy of sufficient weight that would indicate a decision not in accordance. I therefore recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representatives' report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR