



Appeal Decision

Site visit made on 31 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/J9497/W/23/3319823

South Zeal Methodist Church, Road From South Zeal Methodist Church To Stente Ford Bridge, South Zeal, Devon EX20 2LA

- 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 T Capps of Oxenham Consultancy against the decision of Dartmoor National Park Authority.
 - The application Ref 0405/22, dated 19 August 2022, was refused by notice dated 26 January 2023.
 - The development proposed is change of use and conversion of redundant former chapel into self-build residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Authority made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.
3. Whilst the Authority has referred to Strategic Policy 2.6 of the Dartmoor Local Plan 2018-2036, adopted December 2021 (DLP) in its reason for refusal, it is clear from its Case Officer report and Appeal Statement that the Authority is referring to DLP Strategic Policy 2.7. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the delivery of housing need within Dartmoor given its location within a rural settlement, type and size of housing proposed;
 - the character and appearance of the host building and the surrounding area, having regard to the location within the South Zeal Conservation Area (CA); and
 - the setting of the Grade II listed buildings, Shelley House and Shelley Cottage.

Reasons

Housing matters

5. The proposal would form a dwelling as part of the conversion of a 19th Century former Bible Christian Chapel. The site lies in South Zeal, which is defined as a rural settlement in the DLP. In rural settlements, Strategic Policy 1.3 of the DLP seeks to, amongst other things, prioritise opportunities to meet identified local housing needs. The DLP provides a definition of a 'Local Person'.
6. The Authority has referred to its Housing Supplementary Planning Document, consultation draft February 2022, which provides guidance on how the Authority would assess Custom and Self-build proposals. As this document is a consultation draft, I have afforded it only limited weight in this appeal.
7. Whilst the proposal would form the conversion of an existing building in accordance with criterion 1.c) of Strategic Policy 3.4 of the DLP, criterion 2 of the policy requires that the development of up to three dwellings must: a) comprise local needs custom and self-build housing; b) comprise not less than 45% affordable housing; or c) provide a commuted sum equivalent to 45% affordable housing.
8. There is no mechanism, such as a planning obligation, before me to secure the development as local needs custom and self-build housing, affordable housing or an equivalent lump sum, and none I could legitimately impose. Moreover, although the appellant has suggested that a condition could secure the dwelling would be available for local needs housing, no details for such a condition have been provided. Consequently, I cannot be satisfied that a condition would meet the relevant tests set out at paragraph 56 of the Framework.
9. Planning Practice Guidance¹ (PPG) advises that a condition which requires an applicant to enter into a planning obligation is unlikely to be appropriate in the majority of cases. The PPG states that entering into an obligation prior to a grant of permission is the best way to ensure certainty and transparency. I do not consider that this matter can be resolved by imposing a condition as the appellant suggests; to do so without adequate information would be unreasonable in this instance.
10. As such, there would be no restriction on whether the dwelling would be occupied by people in local need, as there would be no local occupancy tie, nor would it comprise affordable housing or a commuted sum towards affordable housing. The appeal scheme would not therefore comply with DLP Strategic Policy 3.4.
11. DLP Strategic Policy 3.2 states that, amongst other things, all new housing should meet and not significantly exceed nationally described technical housing standards. The supporting text to this policy advises that nationally described technical housing standards will be used to benchmark house sizes and ensure they are not excessively large or small for the need it is intended to meet. Housing that is significantly larger or smaller than these standards would need to be justified.
12. DLP Policy 3.6 refers specifically to custom and self-build housing. In rural settlements such as South Zeal and for schemes of up to 3 dwellings, the policy

¹ Paragraph: 010 Reference ID: 21a-010-20190723

permits affordable housing, which is restricted to 93 square metres, occupation by an eligible household and where its value is discounted by at least 20% in perpetuity. It also permits local needs custom and self-build housing where the house is restricted to 93 square metres and occupation by a Local Person in perpetuity.

13. In this case, the proposal is for a dwelling with a floor space of 193 square metres. Whilst the appeal scheme would reuse an existing building, there is little substantive evidence to justify the significantly larger floor space of the proposed dwelling or that the appeal scheme represents the best use of the existing floor space of the building, for example, whether more than one dwelling could be accommodated.
14. As such, for the reasons given above, the proposal would be contrary to Strategic Policies 1.1, 1.2, 1.3, 3.1, 3.2 and 3.4 and Policy 3.6 of the DLP. These policies set out the housing strategy and primary purposes of housing development within Dartmoor National Park through the Local Plan period, amongst other things.
15. The emphasis on providing local needs housing also reflects the Framework which states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 78). I find that the proposal would conflict with these provisions of the Framework.
16. For similar reasons, the proposal would also conflict with the advice in English National Parks and the Broads UK Government Vision and Circular 2010 (the Circular) in relation to fostering and maintaining vibrant, healthy and productive living and working communities.
17. Whilst the Authority has referred to the Dartmoor National Park Affordable Housing Supplementary Planning Document (SPD) adopted May 2014 in its reasons for refusal, the SPD provides guidance for the delivery of affordable housing in the National Park. Whilst the proposal would not deliver affordable housing, I have little substantive basis to consider the proposed development would conflict with the provisions of the SPD.

Character and appearance

18. There is no dispute between the parties that the existing building is recorded on the Historic Environment Record. This conveys that the building has a degree of heritage value, even if not to the extent of a listed building for example. Indeed, I understand that the building dates from 1866 and from my observations appears to be a traditional building that is characteristic of its time and location. I would therefore agree that the building subject to this appeal is a non-designated heritage asset.
19. The appeal site is located on a bend within the road at the eastern extent of the CA. The South Zeal Conservation Area Character Appraisal, September 2011, identifies the appeal building as a notable building, it is a relatively tall structure in a prominent position on the edge of the settlement.
20. The special interest and significance of the CA are largely derived from its historic plan, which retains much of its medieval layout, the quality of built vernacular and buildings of historic merit. The appeal site lies adjacent to a

space in front of a row of cottages which forms a focal point on entering and leaving the village to the east.

21. The significance of the appeal building arises from its age and simple form, including its large arched windows, and its historic interest as a former chapel. As a result of these features and its prominent position from public views, the building contributes positively to the significance of the CA.
22. Paragraph 203 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Also, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 197 of the Framework requires that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account.
23. Even though the proposal would introduce a mezzanine level and partitions within the building which would dilute the openness of the space, it would be over only part of the building. Moreover, the mezzanine would be cut back to provide a void where it would intersect with windows at either side of the building. When considered in the context of the changes made to realise its conversion, it would not fundamentally alter its appearance and the openness of the former chapel space would remain legible.
24. I noticed that the existing arched windows are obscured glazed, thus I am satisfied that the proposal for obscure glazing would have a neutral effect on the building's significance. The submitted plans confirm new windows would match the existing windows. I have little substantive basis to consider that the proposal would affect the proposed bat access points. The detail/position of water butts could be secured via condition.
25. Whilst a section of wall to the enclosed space on the southwest side of the building would be demolished, this section is set back from the road and is relatively modest in scale. The larger section of wall, which is prominent from the space in front of the row of cottages beside the road and contributes positively to its enclosure, would remain. The removal of this small section of wall, set back from the road and in the context of a varied road frontage, would therefore not harm the character and appearance of the building, nor the character and appearance of the CA.
26. Although the demolition of the section of wall would enable cars to park within the site, in the context of parking within the locality, this would not represent an alien feature.
27. Taking these factors together, the overall form of the building would be little changed. The proposal would have a negligible impact on the fabric of the building and its significance.
28. The CA is a designated heritage asset as defined in the Framework. As there is no harm to the character or appearance of the CA, even when attaching great weight to the importance of the heritage asset, I find the details of the development to be acceptable and the scheme complies with the requirements of the Framework in this regard.

29. In terms of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Building Act), the proposal preserves the character and appearance of the street and the wider CA.
30. Therefore, I conclude that the development would not detract from the character and appearance of the host building or the surrounding area, having regard to the location within the South Zeal Conservation Area. In terms of this main issue, I find no overriding conflict with Strategic Policies 1.1, 1.2, 1.3, 1.5 and 2.7 of the DLP, which amongst other things seeks to ensure development conserves and enhances cultural heritage, contributes to local distinctiveness, secures good design and conserves or enhances heritage assets and their setting.
31. I also find no conflict with the provisions in the Framework in relation to conserving and enhancing the historic environment. Nor would there be conflict with the Circular where it seeks to conserve and enhance the cultural heritage of the National Park.

Setting of listed buildings

32. Section 66(1) of the Listed Building Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
33. Shelley House and Shelley Cottage are Grade II listed buildings to the northwest. Their significance derives, in part, from their historical and architectural interest, age and traditional construction materials.
34. The proposed development would result in some changes to the appearance of the appeal building. However, its overall form and appearance would be retained. Due to the separation distance and limited intervisibility the proposal would preserve the setting of these listed buildings and would not harm their significance.
35. Therefore, I conclude that the development would not harm the setting of the Grade II listed buildings, Shelley House and Shelley Cottage. I find no overriding conflict with Strategic Policies 1.1, 1.2, 1.3, 1.5 and 2.7 of the DLP, which together amongst other things seeks to ensure development conserves or enhances heritage assets and their setting. I also find no conflict with the provisions in the Framework in relation to conserving and enhancing the historic environment. Nor would there be conflict with the Circular where it seeks to conserve and enhance the cultural heritage of the National Park.

Other Matter

36. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal.

Planning Balance

37. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

38. The proposal would provide an additional dwelling to the local housing stock and would result in the restoration of a traditional building that has been vacant for several years, which is stated to be a non-designated heritage asset and so would benefit from a viable use, thereby helping to preserve the cultural heritage of Dartmoor National Park. Nevertheless, the appeal scheme conflicts with the housing policies.
39. I note the comments of the appellant that the building is in a state of disrepair, but it appeared to me at my site visit to be in reasonable condition. However, it is possible that it would deteriorate over time and could remain largely vacant if this appeal is not allowed.
40. As I have found that the proposal would not harm the significance of the identified heritage assets, the viable use of the building, particularly as it is a non-designated heritage asset weighs in favour of the development to some degree.
41. Overall, there is a balance of where the proposal conflicts with the housing policies of the Development Plan, although it would provide a viable use of a heritage asset. When weighing up all the considerations that have been identified, this conflict with the housing policies of the Local Plan and the harm to the housing strategy results in substantial weight against the proposal, as the proposed dwelling would not satisfactorily meet or reflect the local housing needs of the community. The benefits such as providing a viable use for the building, even as a non-designated heritage asset, do not outweigh the harms identified.

Conclusion

42. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR