



Appeal Decision

Site visit made on 9 April 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/Q1153/W/23/3330619

Land at SS 673 037, Bondleigh, Westworthy, Near North Tawton, Devon EX20 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs C Richards against the decision of West Devon Borough Council.
 - The application Ref is 4439/22/FUL.
 - The development is described as 'The proposal comprises the removal of previously agreed Class Q barns that allowed three, three-bedroom dwellings. Replacement dwelling are sought comprising three new-build homes.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address in the banner heading above has been taken from the appeal form and decision notice as this more clearly identifies the site than that given on the application form.

Main Issues

3. The main issues for the appeal are:
 - whether the site is a suitable location for the proposal having regard to the local development strategy;
 - the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the setting of the Grade II Listed building forming Westworthy Farmhouse;
 - whether the proposal demonstrates suitable carbon reduction benefits; and,
 - whether the proposal would provide housing of an appropriate size and type.

Reasons

Whether appropriate location

4. The appeal proposal seeks to replace an existing agricultural barn for which prior approval¹ has been granted to convert to 3 three-bed dwellings with 3 new build dwellings. There is no dispute between the parties that the site is

¹ 4421/21/PDM

located within the countryside for planning purposes. I have no reason to disagree.

5. Policies SPT1, SPT2, TTV1, TTV2, TTV26 and TTV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (LP) set out the hierarchy of settlements and restrict housing in the countryside. In the countryside development is only permitted where it complies with LP policies TTV26 or represents the replacement of existing dwellings under Policy TTV29.
6. Under Policy TTV26 of the LP, within the countryside isolated development is restricted to that which meet an essential need for a rural worker to live permanently at or near their place of work, secures the long-term future of a significant heritage asset, secure the re-use of redundant or disused buildings and brownfield sites or secures a development of truly outstanding or innovative sustainability and design. The proposal for three new-build market homes would not fall within any of these categories and consequently there is a clear conflict with Policy TTV26.
7. LP Policy TTV29 is subject to a number of criteria including that the number of new dwellings is no more than the number of dwellings to be demolished and replaced. However, in the absence of any dwellings on the site at present, there are no dwellings to replace. As a result, the proposal would not find support from Policy TTV29 as replacement dwellings.
8. However, this appeal must be weighed against the fact that prior approval has been granted for change of use of the agricultural building to 3 three-bed dwellings. The principle established by the grant of prior approval and planning permission represents a genuine 'fallback' position. Even in the absence of the start of any construction works, there is every prospect that the building would be converted to 3 three-bedroom dwellings should this appeal fail and a clear intent to develop the site has been demonstrated. The prospect of the 'fallback' being developed is therefore greater than theoretical.
9. The appellant's case is that as there is a 'fallback' position in place for 3 dwellings on the site, the residential use has already been established with the proposal providing benefits over the 'fallback' position including more sustainably designed and future proofed dwellings appropriate to the setting and landscape. I will consider matters of character and appearance and carbon reduction below.
10. One of the main purposes of restricting housing development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. The site is a considerable distance from the nearest services and facilities via narrow unlit roads without pavements. Such journeys would thus generate additional car trips. However, any harm in this regard would be offset by the fact that the existing building could be used as 3 three-bed dwellings under the consent in place. The number of trips generated to and from the site and number of bedrooms would therefore be comparable.
11. In locational terms, in light of the 'fallback' position, the site is a suitable location for new dwellings having regard to the local development strategy. As such, it would not conflict with the aims of Policies SPT1, SPT2, TTV1 and TTV26 of the LP that seek to ensure that development follows sustainable development principles, avoids isolated development in the countryside and is accessible to transport modes other than private cars.

Character and appearance

12. The appeal site comprises a steel construction agricultural barn finished with cladding and adjoining a large open field off a narrow rural road. The appeal site is located immediately adjacent to a group of traditional agricultural and residential dwellings that include the Grade II listed Westworthy Farmhouse and curtilage listed buildings (Listing Reference 1146639). These buildings form a farmstead courtyard arrangement with the rear of these buildings facing the road and appeal site.
13. The appeal site adjoins the listed building and on approach from the west is viewed in association with these buildings that are set within a context of agricultural fields and the countryside. These give the listed building a verdant open backdrop and context forming part of its farmstead setting. These buildings are of historic and architectural merit reflecting the evolution of this rural area with their significance derived from all of these aspects.
14. Close to the site on the opposite side of the road and farmhouse are further buildings, two of which are dwellings formed from the conversion of previous agricultural buildings. The wider landscape is predominately open comprising agricultural fields, trees and hedgerows. The buildings in the immediate area are generally of a traditional appearance finished in render with some cladding and traditional sized openings.
15. The existing agricultural barn on the site is typical of the size and appearance of agricultural structures that are not uncommon or discordant within the countryside adjacent to other farm buildings or the listed farmhouse. The landscape within which the appeal site sits is not designated.
16. The proposal seeks to replace the barn with three dwellings that would extend the built form a considerable distance further to the west within the field beyond the footprint of the existing barn. The development would not follow any existing natural features or built form. It would comprise three dwellings accessed off a shared access with associated parking.
17. Although the built form would roughly align with the road and be set at a lower level, it would be set back within the site with each dwelling benefitting from a large garden. Whilst their positioning would reduce their prominence from the road and allow for new and retained planting to the road frontage and site, they would nonetheless detract from the open setting of the field. Along with the access road, parking, and other domestic paraphernalia that would be likely to appear despite the proposed storage building, that would itself add to the built form, the proposed development would significantly change the appearance of the site, having an urbanising effect upon it. Amounting to significant new built form on predominately open land the proposed dwellings would not maintain the intrinsic character and beauty of the countryside.
18. The dwellings themselves would be of a contemporary design utilising clean lines and large areas of glazed openings. Their shape and form seek to replicate the adjacent farmstead and the variety of materials used to the nearby dwellings. Nonetheless, by reason of their contemporary design, bulk and the extent of built form and urbanising appearance, they would be more prominent than the existing agricultural barn and extend built form harmfully into the open countryside.

19. Furthermore, by reason of the design, scale and extent of residential built form and its urbanising effect to the area and on approach to the listed building from the west, the proposal would harm the farmstead setting and significance of the listed building. This would be the case despite being detached from the listed building and set back from the road. Although the proposal would replace the agricultural barn that is located in close proximity to the listed building, it is relatively small in relation to the scale and footprint of the proposed development and does not visually or physically impact upon the wider site, its surroundings or setting of the listed building to the same extent that the proposed development would.
20. I acknowledge that the character and appearance of the area has changed through previous conversions and would change further if the 'fallback' scheme was implemented. However, the extent of change from the 'fallback' scheme would be limited within the shell of the existing building and limited external space such that the larger size of the appeal dwellings and site would have a greater and more harmful effect.
21. In light of the above, the proposal would not result in betterment over the fallback position.
22. The National Planning Policy Framework (the Framework) advises at Paragraph 205 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
23. Given that the harmful effects on the setting of the listed building would be localised, the proposal would result in 'less than substantial harm' to the setting, and therefore significance, of the listed building as a designated heritage asset.
24. Paragraph 208 of the Framework establishes that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In light of my finding that the proposal fails to provide a betterment over the 'fallback' consent, any public benefits from the provision of larger new-build dwellings and biodiversity gains would be minimal and cannot outweigh the identified harm to the setting of the listed building.
25. In conclusion on this matter, the proposal would harm the character and appearance of the area and fail to preserve or enhance the setting and significance of the nearby listed building forming Westworthy Farmhouse. In this regard the proposal would fail to accord with S66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990. As such, the proposal conflicts with Policies DEV10, DEV20, DEV21 and DEV23 of the LP. Amongst other things, these policies seek to ensure that development proposals reflect the character of the area within which they are located, are of a high quality reflecting and enhancing areas of recognised local distinctiveness, are compatible with or improve their surroundings and achieve well-designed places that are sympathetic to the local character and built environment and

seek to ensure that development proposals conserve and where appropriate enhance its historic environment.

Carbon reduction

26. LP Policy DEV32 outlines the need to deliver a low carbon future. It states that this should be considered in the design and implementation of all development. Moreover, point 1 of the policy (DEV32.1) states that developments should identify opportunities to minimise the use of natural resources over its lifetime which should be achieved by the reuse and recycling of materials in construction and making the best use of existing buildings and infrastructure.
27. This approach is supported by the text on page 180 of the Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document Adopted July 2020 (SPD) which states that 'DEV32.1 aims to minimise the use of natural resources in the development over its lifetime'. It further states that 'Embodied carbon emission arise from the life-cycle material flows of building and infrastructure', that 'Reducing construction waste and using recycled materials or existing building will help minimise the use of resources' and that 'Where demolition is proposed with replacement dwellings, the site should include comparative carbon impact of doing nothing, upgrading existing development and the proposed scheme'. This approach applies to both Major and Minor applications.
28. I acknowledge that the appeal is supported by a Policy DEV32 Checklist, SAP Calculations and other detailed evidence demonstrating the operational carbon reduction benefits and the provision of building performance for the new dwellings in excess of the minimum requirement in Policy DEV32 and the latest Building Regulations. I also acknowledge that the appeal documentation provides some evidence detailing how the construction of the new dwellings would provide u-value benefits over and above that of converting the existing agricultural building under the 'fallback' consent.
29. Nonetheless, there are few detailed calculations with regards to the embodied carbon in the structure to be demolished, or calculations of the embodied carbon of the new building or comparison to conversion of the existing building under the 'fallback' consent. Moreover, while Part M5 of the Climate Emergency Compliance Form has been completed, the related details have not been fully provided. As a result, I cannot be certain that the proposed development would provide a suitable overall carbon benefit over the 'fallback' position. This information is particularly important in this instance given the use of the 'fallback' consent to justify the proposal and to argue the new built proposal represents a betterment.
30. In conclusion on this matter, the proposal fails to demonstrate that it would provide suitable carbon reduction benefits. As such, it would conflict with Policies SPT1.2 and DEV32 of the LP and the Framework. Amongst other things, these seek to ensure the delivery of, and transition to, a low carbon future by making the best use of existing buildings and infrastructure and meeting the challenge of climate change.

Whether appropriate size and type

31. Policy DEV8 of the LP and DEV8.1 of the SPD seek to ensure an appropriate mix of housing sizes, type and tenure to redress an imbalance within the

existing housing stock. Paragraph 4.13 of the SPD clarifies that the mix of dwelling sizes refers to the number of bedrooms per dwelling. It further states that the number of bedrooms is used as the key metric as it has a significant impact on how affordable it is rather than floorspace or plot size.

32. The proposal is for 3 three-bedroom dwellings for which there is already a significant supply in the Parish. However, part of the site already benefits from prior approval for 3 three-bedroom dwellings. As a result, the appeal proposal would not result in the provision of additional three-bedroom properties.
33. In conclusion on this matter, the proposal would not materially alter the balance of the existing housing stock. As such, it would not conflict with the aims of Policy DEV8 of the LP or DEV8.1 of the SPD.

Other Considerations

34. The provision of a suitable access and on-site parking provision and the lack of harm to the living conditions are neutral in my consideration of this appeal as they are requirements of local and national planning policy and guidance.
35. While the larger size of site forming part of the appeal provides a greater opportunity for biodiversity net gains, increased storage and parking space and a new access when compared to the 'fallback' consent, I have identified above that they contribute to greater harm to the character and appearance of the area and setting of the listed building. As such they do not weigh in favour of the appeal.
36. I have had regard to the proposal providing 3 three-bedroom dwellings that would add to the supply of housing in the area. However, any benefit in this regard would be offset by the fact that the existing building could be used as 3 three-bed dwellings under the consent in place.
37. The appellant raises concerns regarding engagement with the Council during their consideration of the planning application, but these are not matters which are for consideration in this appeal.

Conclusion

38. Although I have found that the proposal is in a suitable location with regard to the local development strategy and would not materially alter the balance of housing in the area, it would harm the character and appearance of the area, harm the setting and significance of the nearby listed building and fails to demonstrate suitable carbon reduction benefits. In my view, these are the prevailing considerations and, despite the proposal not conflicting with some LP policies as I have found above and as identified by the appellant, the proposed development should therefore be regarded as conflicting with the development plan as a whole.
39. Material considerations, including the 'fallback' position and the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR