



Appeal Decision

Site visit made on 21 May 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/W1145/W/24/3337646

Land at Dowland, northwest of Bradworthy, Devon EX22 7QX

- 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 C Bond against the decision of Torridge District Council.
 - The application Ref is 1/0813/2023/FUL.
 - The development proposed is described in the application as "enlargement and conversion of agricultural to a holiday let unit."
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is made by Mr C Bond against Torridge District Council. The application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner heading above is incomplete. The Council's decision notice refers to the enlargement and conversion of agricultural structure. The appellant refers to this description in its submissions. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is whether the proposal would amount to the conversion of an existing building.

Reasons

5. The appeal site comprises a very small agricultural building that measures approximately 6m x 3.5m in area. It has a mono pitch roof that slopes down from its frontage. It is proposed to convert and extend this building to create a single unit of tourist accommodation. Part of the works would include the forward extension of its entire frontage.
6. The extensions would cover a modest sized physical area and would closely reflect the building's design features. Additionally, despite the requirement for a new internal timber frame and floor, there is no dispute between the parties that the existing structure could be converted for the intended use.
7. However, new walls on 3 of the building's elevations, including its main frontage, together with a taller roof protection would be introduced to accommodate the extension. These cumulative interventions would

fundamentally alter and replace the principal elevation of the building. This amounts to substantive rebuilding works. Additionally, the extension would see an approximately increase in footprint of the building from 21sqm to 32sqm, or about 30%. When compared with the small scale of the original building, the scheme, when taken as a whole, would amount to a significant extension and substantive rebuilding to the main frontage elevation.

8. Therefore, I conclude that the proposal would not amount to the conversion of an existing building. As such, there would be conflict with Policy DM27(c) of the North Devon and Torridge Local Plan 2011-2031 (LP), which requires the conversion of buildings to be achieved without significant external alteration or extension.

Other Matters and Planning Balance

9. The appellant claims that the proposed extension should also be considered under Policy DM25 of the LP. They refer to the Council's Frequently Asked Questions (FAQ) document. This provides informal guidance on various policies, including DM27 of the LP. In respect of extensions to rural buildings, it says, amongst other things, that if the conversion can be achieved without extension, regard will be given to the residential extensions policy DM25 of the LP. However, the FAQ also explains what constitutes 'significant external alterations'. As an example, the replacement of a large part of an external wall is said to normally constitute substantive rebuilding.
10. Policy DM25 of the LP supports the extension of a residential dwelling subject, in part, to the scale respecting existing development. The ordinary meaning of this policy wording is that there is already a residential dwelling to extend. Therefore, notwithstanding the informal guidance in the FAQ, there is little evidence that the Policy would be relevant to this proposal. In that context, my attention has been drawn to a previous permission for the conversion of the appeal building to a holiday let. There is a realistic fallback in terms of the ability to convert the existing structure. There is no reason this would not be implemented.
11. Even if Policy DM25 were relevant, I have already concluded above that this proposal would result in a significant extension and substantive rebuilding to the frontage elevation of the appeal building. This would be more harmful than the fallback. Moreover, whilst the content of the FAQ is noted, it does not form part of the development plan and is not determinative to the outcome of this appeal.
12. My attention has been drawn to some planning permissions where extensions to a rural building and outbuilding were granted by the Council. However, these were in a different location to the appeal. Additionally, I am not aware of their site-specific circumstances. Whilst the Council permitted extensions to these buildings, I am not bound by these decisions. In any case, I have concluded that the proposed extension would be unacceptable in scale.
13. I have paid regard to the appellant's comments in respect of the planning history. This includes pre-application engagement where support was offered to a similar proposal, without prejudice. However, this has no bearing on my decision which is based on the planning merits of the proposal.

14. The proposal would enlarge and improve tourism facilities, making a more suitable and accessible unit when compared with the fallback. The design, materials, and appearance of it would be acceptable. However, any such beneficial features would not sufficiently outweigh the identified harm.
15. The appellant refers to there being no objections to the scheme from the public. However, the lack of an objection is not a reason in itself to allow unacceptable development.

Conclusion

16. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR