



Appeal Decisions

Site visit made on 2 July 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal A Ref: APP/J9497/W/23/3333692

Buckland Court, Buckland in the Moor, Ashburton, Devon TQ13 7HN

- 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 David Burke against the decision of Dartmoor National Park Authority.
 - The application Ref is 0294/23.
 - The development proposed is conversion of outbuilding into garage and greenhouse / potting shed (resubmission of applications 0458/22 and 0459/22).
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Appeal B Ref: APP/J9497/Y/23/3333694

Buckland Court, Buckland in the Moor, Ashburton, Devon TQ13 7HN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr David Burke against the decision of Dartmoor National Park Authority (NPA).
 - The application Ref is 0295/23.
 - The works proposed are conversion of outbuilding into garage and greenhouse / potting shed (resubmission of applications 0458/22 and 0459/22).
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Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for conversion of outbuilding into garage and greenhouse / potting shed at Buckland Court, Buckland in the Moor, Ashburton, Devon TQ13 7HN in accordance with the terms of the application, Ref 0294/23, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for conversion of outbuilding into garage and greenhouse / potting shed at Buckland Court, Buckland in the Moor, Ashburton, Devon TQ13 7HN in accordance with the terms of the application Ref 0295/23 and the plans submitted with it subject to the conditions in the attached schedule.

Preliminary Matters

3. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my reasoning.
4. Since the NPA made its decision the National Planning Policy Framework (Framework) was updated. The parties have had opportunity to address any changes in their submissions.

Main Issues

5. The main issue for both appeals is the effect of the proposal upon the significance of the grade II listed building known as Buckland Court¹.
6. An additional main issue for Appeal A is the effect of the proposal on protected species.

Reasons

Listed building

7. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
8. Buckland Court is a substantial early 19th century house, with a formal front façade that faces out over the moors and is clad in unusual mathematical tiles. To the rear subsidiary wings extend away from the house, and beyond these stand several ancillary buildings that had various agricultural and domestic roles and are illustrative of how a large house such as this would have functioned in the past.
9. The appeal building is a simple outbuilding that stands away from the main house to the northwest. It is referred to as a shippon in the submissions. It is considerably altered, with much modern fabric, some of which is poor quality, and has a dilapidated appearance. Remaining historic fabric is limited to some stone pillars, some stone flooring and lengths of stone wall. The stone walls extend to approximately half the height of the building, which suggests that the building may have been much lower in the past, particularly as upper fabric is not historic.
10. The listed building's significance is primarily defined by its fine historic form, remaining historic fabric and the use of an unusual facing material. Its ancillary buildings broaden its significance by illustrating how it would have functioned in the past and the different architectural treatments between the polite areas of accommodation and those that have an ancillary role. The contribution that the shippon makes to the overall significance of Buckland Court is however only modest owing to its limited historic fabric and much altered appearance.
11. The shippon faces into a small informal yard that is well away from the primary listed building. Its east facing gable is visible to the wider group where it is seen in the context of the more significant stable block and coach house, but it is otherwise not a prominent building.
12. The proposal would see the current appearance of the building considerably changed. Part of the front elevation would be extended forward, various openings would be inserted, and the roof would receive rooflights and a photovoltaic (PV) array. The building would however retain the appearance of an outbuilding as the rooflights would be of a scale beyond that which would be used for a dwelling, and half of the front elevation would be taken up by garage doors. Lengths of remaining stone walls would be retained.

¹ List Entry Number: 1097122

13. The remaining stone pillars are considered significant to the building's previous use as a shippon. Two would be moved to the outer corners of the extended portion, to stand either side of the garage doors. In moving them it would not be clear that they would have once supported the eaves, particularly as both would be too short; however, neither are currently tall enough to function as they would have originally, and both have been raised in height by the addition of brickwork and are currently obscured by timber cladding. It is quite possible that they have already been moved. They would be more prominent in their new location, and they would be seen alongside a similar set of pillars that front the adjacent building and would therefore help the altered building to assimilate with its surroundings. On this basis, I am satisfied that relocating these pillars would not cause harm.
14. The remaining stone floor is likely to be in its original position, and it has some heritage value. Harm would arise from its removal. The level of harm would be lessened by its retention in a different position in the building, although removing it from its original position would reduce its authenticity.
15. The building would retain an appropriately simple form and level of solidity, with primary materials limited to timber cladding, stone, and slate. Additional fittings such as the PVs and rooflights would not be easily viewed beyond the small yard that the building fronts. These additional fixtures would not erode the modest contribution that the shippon makes to the wider significance of the group of buildings.
16. The PVs would make good use of the building's south facing roof. The location would be discreet as a view of the array would only be had from within the modest secondary yard. The PVs would be well away from principal roofs within the building group that are of significance or locations where such an installation would have a harmful visual impact.
17. Glazing would be inserted into the east facing gable. It would be visible from further east where it would be seen in the context of the more historically significant stable block and coach house with its small openings and finely glazed joinery. It would however be set well back from this building; well behind its front elevation and partly obscured behind the yard boundary. Subject to appropriate detailing and finish to the joinery, I am satisfied that the proposal for this end of the building would be straightforward, and the resultant relationship and visual impact would not be harmful.
18. Notwithstanding this, I have identified a small level of harm that would arise from relocating the historic floor finish. In terms of the Framework the harm would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
19. The proposal would see the dilapidated building repaired and brought into a secure use that would sustain its future conservation and improve the appearance of the yard onto which it faces. It would also incorporate a PV array, which would respond positively to the NPAs declared climate emergency. The array would be in a location that would not harm the significance of the listed building group. In accordance with paragraph 164 of the Framework I give significant weight to the need to support energy efficiency improvements to existing buildings. These public benefits are more than sufficient to outweigh the modest level of harm arising from the relocation of the floor.

20. In summary, I have had special regard to the preservation of the building and its setting in accordance with the LBCA, and the great weight that should be given to conserving and enhancing landscape and scenic beauty in National Parks. The proposal would accord with Policies 1.1, 1.2, 1.5, 1.6, 2.1, 2.6, 2.7 and 3.7 of the Dartmoor Local Plan 2018-2036 (DLP), insofar as they relate to the Statutory National Park purposes, seek to conserve its heritage assets, exhibit good design, minimise climate change impact, and conserve the Dartmoor landscape and its tranquillity.
21. Policy 2.8 of the DLP is referred to by the NPA, however it is not relevant to the proposal as the building is already in residential use. It has not therefore been determinative.

Protected species

22. The planning application was accompanied by a Bat Survey Report² (BSR), which covers a bat building survey and two dusk bat emergence surveys. The report confirms the presence of a common pipistrelle day roost within the building. Various mitigation measures are recommended within the report including an application for a Low Impact Bat Mitigation Class Licence from Natural England (NE).
23. Whilst it is not my duty as a decision maker in this appeal to apply the licencing tests to the proposal, I have had regard to them. In terms of whether the proposal is for imperative reasons for overriding public interest, I have already found that the public benefits of the proposal would outweigh the heritage harm, and I consider that it would be reasonable for the benefits to be accepted as of overriding public interest.
24. As to whether there is a satisfactory alternative, the proposal is to re-use an existing building which has some heritage significance. The only satisfactory alternative of a similar nature would be to re-use a similarly dilapidated and under-used building on the site to deliver some heritage benefits; and I could not see a building that is in a comparable condition and of a comparable size that would provide the same function as the appeal building following the development.
25. Crucially, NE has raised no objection to the proposal. I am satisfied that I should give great weight to this position and can therefore conclude that the proposal is not unlikely to be licenced.
26. In summary, the measures proposed are sufficient to mitigate against potential negative effects on protected species. It would accord with Policy 2.2 of the DLP, which seeks to avoid harm to biodiversity.

Other Matters

27. I note the comments from a third party relating to the use of glazing and the suitability of the building for a greenhouse. I do not know the circumstances relating to a previous resistance to the use of windows and rooflights; I am however able to conclude that no harm would arise from the introduction of either in the appeal proposal, and it is important for each case to be considered on its own merits. I agree that using a building as a greenhouse that is only partially glazed is unconventional, however a potting shed use is also

² Corylus Ecology Bat Survey Report Dated 2 June 2023 Ref 22075

suggested, and the level of light should be sufficient for functions such as storing delicate plants during the winter or growing plants from seed.

Conditions

28. I have had regard to the conditions suggested by the NPA. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed conditions for both appeals to secure further details of various elements of the works, to safeguard the special interest of the listed building.
29. Regarding Appeal A, I have imposed an additional condition to secure protection to the trees at the site to safeguard the character and appearance of the area and the habitat value of the trees. Further conditions for Appeal A are necessary to safeguard protected species and biodiversity. I did not consider it necessary to impose a condition requiring the submission of a Construction Environment Management Plan and Landscape and Ecological Management Plan as the project is of a modest scale, and such matters are covered sufficiently by the existing BSR and the tree protection condition.

Conclusion

30. For the reasons given, the appeals should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. P.01, P.02 Rev A, P.03 Rev A, P.04 Rev E, P.05 Rev D, P.06 Rev D, P.07 Rev D, P.08 Rev D, and P.09 Rev D.
- 3) Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details. In any event, the following restrictions shall be strictly observed:
 - a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
 - b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
 - c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.
- 4) Notwithstanding the drawings hereby approved, prior to their installation or the commencement of work on the following elements of the scheme, the following details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented and maintained in accordance with the approved details:
 - a) elevation details at a scale of 1:20 and section details at a scale of 1:5 through the eaves/roof and new roof structure,
 - b) elevation details at a scale of 1:20 and section details at a scale of 1:5 of the exterior doors, garage doors, cladding, windows and rooflights, including details of finishes,
 - c) elevation details at a scale of 1:20 and section details at a scale of 1:5 of the flush fitting solar panels, together with manufacturers details of the panels, and manufacturers details and location details of the batteries and inverters and other associated equipment, and
 - d) details of the finished floor height of the garage and greenhouse, including details of how the existing stone floor will be recorded in situ, lifted, and re-laid.

- 5) All gutters and downpipes hereby approved shall be of metal construction, round or half round in section, and shall be painted black not later than 30 days after the substantial completion of the works.
- 6) Any repointing of the building or making good of existing stonework, including that associated with the relocated stone pillars, shall be completed using techniques and materials that match the pointing on the existing building.
- 7) All new stonework shall be laid and pointed using traditional techniques and materials to match the stonework on the existing building. Prior to the commencement of any new stonework, a sample panel shall be constructed to the proposed finished detailing, and shall be approved in writing by the Local Planning Authority. Thereafter new stonework shall be carried out in accordance with the approved details.
- 8) If construction work takes place during the bird nesting season (1 March to 31 August) then the building shall be checked for the presence of nesting birds no more than 24 hours prior to the work taking place. If nesting birds are found to be present, construction work shall not be carried out until all fledglings have left the nest.
- 9) The development hereby approved shall be implemented strictly in accordance with the recommendations and requirements set out in the Corylus Ecology Bat Survey Report Ref 22075 and any measures required under licence from Natural England.
- 10) No external lighting shall be installed on the building unless details of such are submitted in writing and approved by the local planning authority. Thereafter, any lighting that is agreed shall be fitted and maintained in accordance with the agreed details.
- 11) The biodiversity measures included on the approved plans (namely 3 x water butts) shall be installed and fitted to manufacturers instructions prior to the substantial completion of the development. Thereafter, the water butts shall be maintained in working order.

Schedule of Conditions – Appeal B

- 1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.
- 2) Notwithstanding the drawings hereby approved, prior to their installation or the commencement of work on the following elements of the scheme, the following details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented and maintained in accordance with the approved details:
 - e) details at a scale of 1:20 and section details at a scale of 1:5 through the eaves/roof and new roof structure,
 - f) elevation details at a scale of 1:20 and section details at a scale of 1:5 of the exterior doors, garage doors, cladding, windows and rooflights, including details of finishes,
 - g) elevation details at a scale of 1:20 and section details at a scale of 1:5 of the flush fitting solar panels, together with manufacturers details of the panels, and manufacturers details and location details of the batteries and inverters and other associated equipment, and
 - h) details of the finished floor height of the garage and greenhouse, including details of how the existing stone floor will be recorded in situ, lifted, and re-laid.
- 3) All gutters and downpipes hereby approved shall be of metal construction, round or half round in section, and shall be painted black not later than 30 days after the substantial completion of the works.
- 4) Any repointing of the building or making good of existing stonework, including that associated with the relocated stone pillars, shall be completed using techniques and materials that match the pointing on the existing building.
- 5) All new stonework shall be laid and pointed using traditional techniques and materials to match the stonework on the existing building. Prior to the commencement of any new stonework, a sample panel shall be constructed to the proposed finished detailing, and shall be approved in writing by the Local Planning Authority. Thereafter new stonework shall be carried out in accordance with the approved details.