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# Appeal Decision

Site visit made on 4 June 2024

**by K Jones BA (Hons) DipLA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2024**

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**Appeal Ref: APP/J9497/W/23/3327632**

**Churchill Farm and Campsite, Church Cross Road, Buckfastleigh TQ11 0EZ**

- 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 Christopher Woodhead against the decision of Dartmoor National Park Authority.
  - The application Ref is 0115/23.
  - The development proposed is single storey extension to existing single storey farmhouse in matching materials.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was made in the name of Mr and Mrs Andrew Pedrick, and the appeal was made in the name of Christopher Woodhead. Confirmation has been provided that Christopher Woodhead is acting on behalf of the appellant Andrew Pedrick in this appeal.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issue before me, and therefore it has not been necessary to go back to the parties in this regard.

## Main Issue

4. The main issue is whether the proposed extension is acceptable with regard to development plan policy, and if not, whether other material considerations have been demonstrated such that they would justify a departure from the development plan.

## Reasons

5. The appeal property is an agricultural worker's dwelling associated with Churchill Farm. It lies in a rural location between the settlements of Buckfast and Buckfastleigh and is within the Dartmoor National Park.
6. Policy 3.7 of the Dartmoor Local Plan (2021) (the Local Plan), addresses residential alterations, extensions and outbuildings. Point 1 of the policy indicates three criteria against which extensions will be considered, a) relating to their compliance with the design principles in the Dartmoor National Park Design Guide; b) that they are subservient to the original dwelling and conserve or enhance its character, appearance, curtilage and immediate surroundings, and c) that they do not increase the habitable floorspace of the

- original dwelling by more than 30%. Point 4.b) of the policy also sets out that extensions will not be permitted if the dwelling is limited by an agricultural occupancy condition and the extension would result in a gross internal floor area of over 106 sqm.
7. With regard to the first two criteria of point 1, I find no harm in respect of the effect of the proposal on the character and appearance of the appeal building and its surroundings. This echoes the Authority's findings. The Authority's principal concern therefore relates to the size of the proposal relative to the requirements of point 1.c) and 4.b) of the policy.
  8. The existing floor area of the three-bedroomed property is approximately 174 sqm. The total proposed floor area would be approximately 294 sqm. The proposal would therefore increase the floor area by approximately 120 sqm, representing an increase over the original dwelling of approximately 68%. This would be significantly in excess of the 30% limitation imposed by point 1.c) and would also exceed the 106 sqm limit under point 4.b) of Policy 3.7.
  9. While the proposal would not harm the character and appearance of the surroundings and the wider National Park, any absence of harm in this regard is neutral. However, the areas of conflict with Policy 3.7 described above, would be at odds with one of the policy objectives of retaining a mix of dwelling sizes to help sustain balanced communities across the National Park. For the above reasons, the proposal would therefore conflict with Policy 3.7 as a whole.
  10. Supporting text to Policy 3.9 on Rural Workers' Dwellings, also seeks to ensure that rural workers' houses are modestly sized to safeguard the farm holding's affordability. Point 2.c) of that policy limits the size of new rural worker's housing to 106 sqm. This proposal for an extension would be well in excess of that limit. As well as increasing the overall floorspace, the proposed extension would increase the number of bedrooms, bathrooms, living rooms, and office/study space. A significant enlargement of this nature would in all likelihood have a harmful effect on the affordability of the property and would result in the loss of a more modestly sized house from the local housing stock. Accordingly, although this Policy is not directly applicable to the appeal scheme, and whether or not there is an essential need for additional rural worker accommodation on this site, Policy 3.9 does not offer support to the proposal.
  11. The Authority has also found conflict with Policy 3.10 of the Local Plan which relates to residential annexes to support farming. I note that the proposal was submitted, advertised and determined as an extension rather than an annexe. However, even if the proposal was considered an annexe and was found to satisfy the requirements under point 1 of that policy, point 2.c) restricts the floor space of such proposals to 40 sqm. Consequently, the scale of the proposal would be far in excess of the Policy 3.10 requirements.
  12. The accompanying text to Policy 3.9 sets out that 'essential need' for rural workers' dwellings is established by circumstances of the holding that need to be managed day and night most of the week, with examples given of animal welfare and crop quality. I accept that there is a large amount of work involved in managing the farm, with the involvement of the appellant's family and plans for its future succession. However, there is a lack of clarity on the number of workers needed to be present on site overnight. For example, although more

convenient, it is unclear why workers undertaking paperwork, seasonal maintenance, or attending auctions and shows are required to live on site.

13. I note the letter of support from an interested party detailing the appellant's involvement in the farming community in the local area and across the south west, and I was able to see evidence of this during my site visit. However, on the evidence before me, it appears reasonably likely that this contribution would continue in the absence of a successful appeal.
14. The appellant has indicated that without the proposed extension, changes to the viability of the farm may result in a change of ownership, and a resulting change of farming practices that could result in harm to biodiversity. They have also suggested that the agricultural occupancy of the dwelling could change. However, there is little evidence to indicate that these suggested outcomes are a greater than theoretical possibility. Consequently, these suggestions carry limited weight in the determination of the appeal.
15. My attention has also been drawn to two appeal decisions<sup>1</sup>, which are said to have allowed residential extensions with floor area increases of greater than 30%. However, I have not been provided with any further details on the proposals or the circumstances under which they were determined. In addition, general reference has been made to previous Inspectors allowing departures from the prescribed policy size limits, though I have no details or decisions before me. Therefore, as I cannot make a meaningful comparison with the circumstances of this appeal, those decisions do not alter my reasoning.
16. Accordingly, while I note the constraints identified by the appellant regarding the existing house, material considerations have not been demonstrated such that they would justify a departure from the development plan.
17. Taking all of the above into account, I therefore conclude that the proposal would conflict with development plan Policy 3.7 of the Local Plan. Amongst other matters, this restricts the size of extensions, including in regard to effects on affordability and housing mix. Moreover, Policies 3.9 and 3.10 do not offer support for the proposal. There would also be general conflict with Strategic Policies 1.1 and 1.2 of the Local Plan, the English national parks and the broads: UK government vision and circular 2010, and with the Framework. Together these seek to foster the social well-being of the local communities within the National Park, improve access to housing, and improve social conditions of the area respectively.
18. The Authority has found conflict with Strategic Policy 1.5 of the Local Plan, and the Dartmoor National Park Design Guide in its reason for refusal. However, Policy 1.5 is a design policy, and along with the Design Guide, sets out expectations for good design and character. As I have found no harm in respect of the design and appearance of the proposal, I find no conflict with this policy or the Design Guide.

## **Other Matters**

19. The appeal site lies within the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats associated with Buckfastleigh Caves. The evidence indicates that the proposal has the potential to result in a likely significant effect on the SAC as a result of artificial lighting.

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<sup>1</sup> APP/J9497/D/12/2179550 and APP/J9497/D/12/2176513

20. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, I have found the proposal would result in harm contrary to the development plan in respect of the size of the proposal. Accordingly, unless other material considerations indicate that planning permission should be granted, there is no need for me to consider this matter further.
21. The appellant has identified that the proposed development would provide biodiversity enhancement measures as mitigation for the proposal. However, as a policy requirement, such measures are neutral, weighing neither for nor against the scheme.

### **Conclusion**

22. The proposal conflicts with the development plan, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*K Jones*

INSPECTOR