

Appeal Decision

Site visit made on 3 September 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/W1145/W/24/3342744

Clinton House, North Street, Sheepwash, Devon EX21 5NQ

- 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 Pedrick against the decision of Torridge District Council.
 - The application Ref is 1/0581/2023/FUL.
 - The development proposed is conversion of a redundant outbuilding to a holiday let unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council has corrected the erroneous reference made to the appeal site being located in the countryside within its officer report. There is no dispute between the main parties that the appeal site lies within a defined village as set out in the North Devon and Torridge Local Plan 2011-2031 (LP).

Background and Main Issues

3. The application proposes the conversion of a redundant outbuilding to a holiday let unit. The submitted evidence identifies that this building has been subject to extensive works. New blockwork walls and roof have been added to an historic structure. This was likely to have been constructed from stone. Notwithstanding the stonework across the length of the west elevation, the building is likely to be longer and taller than its predecessor.
4. In that context, the existing drawings are based on a situation the Council considers to be unauthorised and not immune from enforcement action. This is not disputed. Nevertheless, it is not appropriate for me to determine the lawfulness or otherwise of the building. This can only be formally determined by a lawful certificate application. I shall return to this matter later.
5. The main issues are (i) the effect of the proposed development on the character or appearance of the Sheepwash Conservation Area (CA) and on the setting of a nearby listed building; (ii) whether the site is a suitable location for the proposed development, having regard to the local tourism strategy; and (iii) the effect of the proposed development on the living conditions of nearby neighbours with regard to privacy and parking arrangements.

Reasons

Character and appearance

6. The appeal site is within the CA where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area; and where great weight should be given to the asset's conservation. The CA is characterised by its tightly clustered and less than uniform layout of traditional small, but mixed scaled buildings. These are positioned along and amongst a winding road network that meets at a central square. Many of the buildings include stone or rendered walls with simple roof forms of thatch or slate, which collectively contribute to the attractive local vernacular.
7. Having paid regard to the site history, the proposal's overall scale and massing would not be excessive. Furthermore, the first-floor window on the north elevation would be of a proportionate scale and sympathetic design. The proposed low stone walling and shared access layout arrangements would retain much of the appeal site's historic plot arrangements.
8. The proposal would add rendering above the remaining stonework and newly purposed stone facings. Whilst render is commonplace within the CA, the proposed split of facing material would create an unusual finish, uncharacteristic of the CA and the likely finish of the previous barn. Furthermore, the proposed dormer window would be residential in its design. It would erode the simple detailing of an otherwise unassuming and traditional roof construction. These overtly domestic features would not make a positive contribution to the appearance of the local and historic environment.
9. Within the setting of the appeal site and next to it is a grade II listed building known as The Half Moon Inn. Consequently, there is a statutory duty to pay special regard to the desirability of preserving its setting. Its significance derives from its 17th century origins as a remarkably unspoilt house both inside and out. At my visit I saw that its most attractive features faced the central square rather than the rear courtyard. Here, a rooftop view of the appeal building could be appreciated. Even if taller than its predecessor, the presence of a building in this approximate location is likely to have been part of the setting of the listed building for some considerable time.
10. The proposed split material finish to the appeal building would not be noticeable from the listed building's rear setting. Furthermore, the orientation of the dormer would avoid looming over the listed building and its presence would be tempered by its relatively small scale. This means that the proposal would not visually compete with or distract from the listed building's key features. As such, it would have a neutral effect on its setting.
11. Drawing these matters together, even though the setting of the nearby listed building would be preserved, the proposal would nevertheless introduce an unsympathetic combination of materials and harmful dormer fenestration design. This would not make a positive contribution to the character or appearance of the CA as a whole.
12. Therefore, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. There would be conflict with policies

DM04, DM07 and ST15 of the LP, which, collectively in this respect, seek to support proposals that are sympathetic in terms of fenestration and materials, and that conserve and enhance heritage assets.

Tourism strategy

13. The Council's spatial strategy in policies ST06 and ST07 of the LP is to focus most development to the largest centres, with modest growth permitted in the smaller settlements. In respect of the rural areas strategy, the supporting text in 4.10 of the LP explains that allowing villages to grow is essential to sustain active and balanced communities that contribute to maintaining the rural area's viability. It does however add that the LP will seek to ensure any conflicts with the principles of sustainable development are minimised.
14. In that context, Policy ST13 of the LP is supportive of sustainable, high quality tourism development for a year-round industry that does not damage the natural or historic assets within the district. The supporting text notes that it is the quality of accommodation that is an important element in achieving sustainable development.
15. Amongst other things, parts (2)(b) and (c) of Policy DM18 of the LP are supportive of new tourism accommodation where it reuses or converts existing buildings or diversifies the range of existing tourism accommodation respectively. At face value the scheme would convert a building that physically exists. Therefore, it could be said to comply with part (b) of the policy. However, there are notable uncertainties over the appeal building's lawful status that bring into question the relevance of part (b) to this proposal.
16. In respect of DM18 part (2)(c), the appellant says that the proposal would diversify the range of largely single room tourist accommodation units in the village by providing self-contained accommodation. The Council refers to its informal Frequently Asked Questions (FAQ) document. Here it is claimed that 'existing tourism accommodation' in the policy relates to a tourism use that is already established in the planning unit subject to the proposal. However, the policy does not explicitly say that this is the case. Furthermore, the FAQ is not adopted policy and cannot be given much weight.
17. Even if I were to accept the appellant's views on parts (2)(b) and (c), the policy also requires in all cases that heritage assets are conserved or enhanced. Given my conclusions in the main issue above, there would still be conflict with Policy DM18 of the LP.
18. When taken as a whole, the tourism strategy and its aforementioned policies seek to achieve sustainable development through high-quality development without causing harm to the historic environment. Therefore, whilst the appellant has shown to some extent that the scheme would diversify tourist accommodation, the harm caused to the historic environment means that there would be conflict with the strategy.
19. For the above reasons, the site is not a suitable location for the proposed development, having regard to the local tourism strategy. As such, there would be conflict with policies DM18, ST07 and ST13 of the LP. There would also be conflict with paragraphs 88 and 89 of the National Planning Policy

Framework (the Framework) which say that decisions should enable sustainable growth and ensure that development is sensitive to its surroundings.

Living conditions

20. The proposed first floor window on the north elevation would enable views of a small section of the garden area to Clinton House. There would be sufficient distance and intervening vegetation between this and the terrace of neighbouring properties to the north to avoid harmful overlooking. However, the proposed east elevation dormer windows would look directly down over the main private garden area of Clinton House. Despite current ownership, this would be likely to harmfully compromise existing levels of privacy.
21. The Council is concerned that existing garden space is substandard, though this is not relevant to the appeal proposal. That said, the proposed configuration of garden space afforded to the collection of residential units within the ownership of the appellant would be somewhat disjointed. Occupants of Clinton House would be likely to have to share some rear garden space with those using the holiday let and traverse a narrow gap to reach the bulk of their private garden. Despite this, the low stone walling and overall amount of garden space apportioned to each of the units would not result in a harmful layout arrangement or insufficient private garden space.
22. The parking pressures within the village are acknowledged. Furthermore, I have paid regard to comments in respect of the possible future growth of the village. However, I have assessed the scheme in its present-day sense. In that context, it would not deliver parking and turning within the appeal site. Additionally, the proposed street parking spaces cannot be relied upon as they are outside the appeal site. Moreover, it is likely that these are already used to serve existing arrangements.
23. Even so, at my mid-morning weekday visit I observed that there were numerous parking spaces available near the appeal site, the surrounding streets, and within the square. Parking provision would be adequate. Additionally, the appellant notes the available public transport options with connections to Bideford, Holsworthy and Okehampton. Furthermore, the large double red entrance door could potentially be fully opened to allow wider access into the appeal site if required in an emergency for example. If it could not, the appeal building is positioned very close to the road access point.
24. These factors, together with the very small scale of the development proposed would mean that parking and turning within the appeal site would not be necessary in this instance. Whilst my observations only represent a snapshot in time, recognising there will be busier periods, it is unlikely that additional pressures and inconvenience for nearby residents in respect of parking provision would ensue. There would, consequently, be no conflict with policies DM01, DM06 and DM07 of the LP in respect of this matter alone.
25. In summary of the above, despite my conclusions over parking provision and site layout, the scheme would nevertheless generate unacceptable overlooking. For the reasons given, it would harmfully affect the living conditions of nearby neighbours with regard to privacy. As such, there would be conflict with Policy DM01 of the LP which says, in part, that development

will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses. There would also be conflict with paragraph 130 of the Framework which says, amongst other things, that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

26. The Council has referred to another appeal where it says the application of Policy DM18 of the LP was considered. However, the reference number provided is not recognised. In any case, I have determined the appeal on the evidence before me.

Conclusion

27. 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