



Appeal Decision

Site visit made on 9 October 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 October 2024

Appeal Ref: APP/J9497/Y/24/3345412

Swallerton Gate, Manaton, Devon TQ13 9XQ

- 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 Mrs Sophie Mount-Thurston against the decision of Dartmoor National Park Authority (NPA).
 - The application Ref is 0483/23.
 - The works proposed are the erection of 10 solar panels; 4 on garage roof (not attached to the main building) and 6 on Utility roof (attached to the main building at the rear of the property) and the necessary cabling to connect to a PV inverter housed in the garage.
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Decision

1. The appeal is allowed and listed building consent is granted for the erection of 10 solar panels; 4 on garage roof (not attached to the main building) and 6 on Utility roof (attached to the main building at the rear of the property) and the necessary cabling to connect to a PV inverter housed in the garage at Swallerton Gate, Manaton, Devon TQ13 9XQ in accordance with the terms of the application Ref 0483/23 and the plans submitted with it subject to the following conditions:
 - 1) The works authorised by this consent shall commence not later than 3 years from the date of this consent.
 - 2) The panels shall be black in their entirety, including the frames.

Preliminary Matters

2. The NPA says the east elevation of the garage is inaccurately drawn. The drawings suggest that this wall is wider at the bottom than it is at eaves level. The dimension noted on the plan is greater than it is for the opposing west facing wall. The building is however roughly square with vertical walls. This error is confusing, and it is unclear why the building has been drawn in this way; however, it is unrelated to the area of roof where the panels would be fixed. I am therefore satisfied that I can assess the proposal on the basis of the plans before me, noting that the only physical change proposed is the addition of the panels and there is no ambiguity over where they would be fixed and the roof area they would occupy.
3. The appellant's statement refers to an appeal against the refusal of planning permission also; however, this is not before me.

Main Issues

4. The main issue is the effect of the proposal upon the significance of the grade II listed building known as Swallerton Gate¹.

Reasons

5. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires 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.
6. Swallerton Gate is a modest vernacular cottage that comprises a low range that probably dates from the late 17th or early 18th century. Alongside this stands an extension from the 1920s that is considerably taller. The significance of the building is primarily derived from its vernacular form and appearance, basic historic evolution, surviving floor plan, and use of locally sourced materials that include thatch and granite rubble walls.
7. It is unclear why the Council refers to the rear elevation as the front. This is not a characteristic noted in the list description. It seems that the front of the building is orientated towards the road, with a central entrance to the original building that serves a double depth plan with principal front rooms. The rear façade is rendered and has two lean-to additions. Both are modern and harm the building's character by virtue of their use of modern materials that include roofs in polycarbonate plastic and artificial slate. Both have a low pitch that does not relate well to the steep thatched roofs. Whilst the overall form and phasing of the building is still readily appreciated from the rear, it is reasonable to conclude that its rear façade is less significant than its front because of the level of modern intervention it has seen.
8. The proposal would see 6 photo voltaic solar panels fitted to the low-pitched lean-to roof. The panels would occupy most of the roof area. They would be visible from the garden, but not necessarily prominent to view owing to the low pitch of the roof and the garden's mature trees and shrubs. Where visible the units would be most readily associated with the modern lean-to and would sit alongside the modern materials of the conservatory, which both have a separate identity to the historic parts of the building.
9. Thus, whilst the modern appearance of the panels would be somewhat at odds with the traditional materials of the listed building, the visual impact would be modest. In terms of the level of harm, the modest visual impact would relate to a discreet area at the rear of the building that is less significant than the front elevation. The dark colour of the panels and the simple profile of the edge of the units would help them to integrate with the dark covering of the artificial slate. They would sit on top of a modern roof so there would be no direct impact to or loss of historic fabric. The level of harm to the overall significance of the heritage asset would therefore be low.
10. The garage is a separate modern building that is positioned discreetly to one end of the plot. Panels erected in this location would be hidden behind a well-established hedge boundary that fronts the road. There would be some limited views across the back of the house in this direction but given the detached

¹ List Entry Number: 1308947

nature of the garage and its discreet position, the fitting of four panels here would not cause harm to the significance of the asset.

11. Regarding whether the roofs are strong enough, evidence before me suggests that they are sufficiently sound. Even if repair or strengthening to either roof was required, such work would only relate to modern fabric and would not therefore cause harm to the building's significance.
12. In terms of the National Planning Policy Framework (Framework), the harm arising from fitting the panels to the utility room roof 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.
13. The provision of the panels would respond positively to the NPAs declared climate emergency. In accordance with paragraph 164 of the Framework I give significant weight to the need to support energy efficiency improvements to existing buildings. The public benefit of installing the panels and enabling the building to generate its own electricity are sufficient in this case to outweigh the modest level of harm.
14. 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 the asset's conservation in accordance with the Framework. I have found the impact of the proposal upon the significance of the listed building to be acceptable, on the basis that the harm is outweighed by the public benefit.
15. Although development plan policies do not strictly apply to applications for listed building consent, the proposal would accord with the policies set out in the Council's decision.

Other Matters

16. I have also had regard to the two purposes of National Parks, which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. The visual impact of the proposal would not extend beyond the curtilage of the property and therefore the proposed works would not conflict with NPA purposes or Paragraph 182 of the Framework which gives great weight to such matters.

Conditions

17. 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.
18. I have not imposed conditions requiring the submission of an archaeological watching brief or relating to nesting birds as both cover matters that are outside the listed building consent regime.
19. The plans include details to show that the inverter and isolator will be installed within the garage and the submitted block plan shows the route of the cabling. It is therefore not necessary to impose a condition to require the submission of these details.

20. I have imposed a condition to ensure that the frames of the units will be black. Although the appellant refers to this in her appeal submissions I cannot see that this is clearly set out in the drawings or data sheet; thus, a condition to require the units to be this colour, to manage their visual impact, is necessary.

Conclusion

21. For the reasons given above the appeal should be allowed.

A Tucker

INSPECTOR