



Appeal Decision

Site visit made on 5 November 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/J9497/W/23/3329333

Primms Cottage, Poundsgate, Devon TQ13 7PR

- 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 Executor of Mr Barry Marmot deceased against the decision of Dartmoor National Park Authority.
 - The application Ref is 0501/22.
 - The development proposed is replacement house and studio.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided a revised plan that was not before the Authority when it made its decision. The plan seeks to remove rooflights serving an attic and replaces a first floor door into this space with a loft hatch. These represent minor changes to the scheme that would not fundamentally change it. Those involved in the appeal have had an opportunity to comment. Therefore, in accepting this plan I am satisfied that the proposed amendments would not cause procedural unfairness.

Main Issues

3. The main issues are (i) whether there is sufficient justification for a replacement dwelling, with particular regard to energy efficiency, design, and scale; the effect of the proposal on (ii) heritage assets; (iii) the character and appearance of the area; and (iv) drainage in order to minimise flood risk and protect water quality.

Reasons

Replacement dwelling

4. Energy efficiency - Policy 3.8 of the Dartmoor Local Plan (LP) sets out the circumstances under which replacement homes will be permitted. One such circumstance is where the proposal would lead to the removal of a dilapidated dwelling. Both parties agree that the appeal building is not dilapidated and is structurally sound. As an alternative to this, both of parts 1 b) and c) must be met. Part b) permits schemes that lead to a significant improvement in energy efficiency that cannot be achieved by modifying or adapting the existing building. This is on the proviso that the building is not on the Historic Environment Record (HER), which is set out in part c).

5. The evidence shows that a new dwelling would be constructed to comply with LP Strategic Policy (SP) 1.6. It would result in a more energy efficient property beyond what could be achieved by upgrading the existing building. Whilst an upgrade may not meet SAP or EPG guidelines, it would nevertheless result in a significantly more energy efficient building, with much lower running costs. It is noted that the energy performance rating for the new dwelling includes high performance glazing with a *good* energy rating, whereas double glazed upgrades are chosen for the existing building. These have an *average* energy performance score.
6. Furthermore, the potential costs per sqm are acknowledged. However, the build cost comparisons demonstrate that it would be substantially cheaper to upgrade rather than replace the building with the development as proposed. Additionally, whilst the replacement home supporting text does not have the force of policy, there is little to show that the loss of embodied energy through demolition and energy consumption linked to new material production has been factored in.
7. As such, accurate energy comparisons between the demolition and new build options have not been convincingly demonstrated. For the reasons given, it is likely that the existing building could be modified or adapted to provide significant improvements in energy efficiency. Consequently, there would be conflict with 1. b) of LP Policy 3.8. In any case, it is uncontested that the existing building is on the HER, which conflicts with 1. c) of the policy.
8. Design and scale - The overall purpose of the LP is set out in SP 1.1. This seeks to conserve and enhance natural beauty, wildlife, and cultural heritage. It also aims to promote opportunities for the understanding of the National Park's special qualities. Development that complies with policies in the LP are considered consistent with the purposes of the National Park.
9. Amongst other things, LP SP's 1.2, 1.5 and 2.1 support developments that prioritise the use of buildings, reinforce local character, respecting Dartmoor's vernacular, ensuring location, layout, scale, and design conserves and enhances what is special or distinctive about the landscape character.
10. Parts 2 a) and b) of LP Policy 3.8 must both be met in order for schemes to be compliant. Respectively, these say that replacement homes must enhance their local environment and reflect design principles set out in the design guide; and not increase habitable floorspace of the original dwelling by more than 30%.
11. The replacement dwelling would be constructed over the footprint of the existing, which would represent an appropriate location. Additionally, although the outbuilding would encroach further into the adjoining field, it would maintain a close physical connection with the host property. Its uncomplicated design and sympathetic use of materials would soften its overall prominence to some extent. However, the outbuilding would be much longer, wider, and taller than the existing building. It would appear excessively large and incongruous.
12. Even though the ridge line of the property would be maintained, it is uncontested that the height would increase by some 3m, and its width would more than double. It is agreed that some appropriate local materials would be used in the construction of the property. Even so, the taller roofscape with its

overhanging eaves, open verandas, patent glazing, large gable openings and chimney stack would result in a disproportionate and unnecessarily decorative design. Accordingly, the scheme would be contrary to the Authority's Design Guide, which promotes a simple, rugged local vernacular.

13. The benefits of natural light are acknowledged. However, the extent of glazing over two buildings would be likely to create significantly more light spill than what could potentially be achieved if certain permitted development rights were to be exercised. As such, the tranquillity of this remote spot would not be conserved by the proposal, in conflict with the aims of LP SP 2.6.
14. There is dispute over the size of habitable floorspace. The plans identify the area of the existing house rather than its current habitable floorspace. This does not provide a definitive position in this regard. Even so, the proposed attic room would be served by two large gable end windows and represents a similar space to the main bedroom. Whilst a loft hatch is shown, it nevertheless provides a generous, well-lit space that could be permanently accessed. For these reasons, it is likely this space is intended for use.
15. The appellant says the proposed studio would be used for purposes ancillary to the main dwelling. The plans indicate that it would include a sink, toilet, two studio rooms and a garage. The Authority says that it would be constructed to the same standard as the main dwelling. Given the large scale, construction, and layout, it seems to me that much of this outbuilding would be more reflective of additional habitable floor area than as an incidental workshop as defined by the LP. In these circumstances, it would not be reasonable to attempt to restrict its use through an appropriately worded condition. For the reasons given, it is likely that the habitable floorspace of the original dwelling would exceed tolerances set out in LP Policy 3.8 2 b).
16. Drawing these matters together, there is insufficient justification for a replacement dwelling, with particular regard to energy efficiency, design, and scale. As such, there would be conflict with LP Policy 3.8 and SP's 1.1, 1.2, 1.5, 2.1 and 2.6. There would be conflict with the Authority's Dartmoor National Park Design Guide. Additionally, there would be conflict with paragraph 135 of the National Planning Policy Framework (the Framework) which says, amongst other things, that decisions should ensure developments add to the overall quality of the area and are visually attractive as a result of good architecture.

Heritage assets

17. Annex 2 of the Framework identifies a heritage asset as 'a building or area identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority'. Whilst not a listed building, there is no dispute that the existing building is a non-designated heritage asset. Furthermore, like the existing building, the adjacent field system on Sherberton Common, Uppacott Leat and Dartmoor Parallel Reeve System are on the HER. There is agreement that these are non-designated heritage assets. Collectively, despite being non-designated, they are still heritage assets as defined by the Framework.
18. Paragraph 209 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in

determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. LP SP 2.7 sets out a similar requirement. Additionally, this is consistent with the English National Parks and the Broads UK Government Vision and Circular 2010 (VC). In this case the scale of the loss is total.

19. The appellant claims that it is the residential occupation rather than the existing building that is of historic significance. Whilst this occupation would be maintained by the proposal, the primary significance of the existing building as a heritage asset is derived from its historic association as a minute manor in its own right with its own right of commons. Some limited architectural value derives from the very modest scale of this traditionally constructed building. This, together with its undisturbed, enclosed field arrangement somewhat adds to its significance. Additionally, although not specified in the HER, I saw that the building includes impressive and characterful internal stonework and fireplace features.
20. Therefore, whilst issues with the existing building are acknowledged, it remains structurally sound. Additionally, I have concluded above that it could be made more energy efficient, and that the scale and design of the replacement would be harmful. It has therefore not been convincingly demonstrated that demolition would be the least harmful option as required by LP SP 2.7. Accordingly, given the existing building has sufficient significance in its local context, its removal has not been justified.
21. Furthermore, the proposed banking to the side of the studio would result in an overtly domestic form. It would irrevocably erode the undisturbed historic field layout, resulting in moderate harm to the significance of the asset. Therefore, although the leat would not be harmfully affected by the development, heritage assets would not be conserved or enhanced.
22. For these reasons, the proposal would have a harmful effect on heritage assets. As such, there would be conflict with SP's 1.1, 1.2, 1.5, 2.1 and 2.7 of the LP as set out above. There would also be conflict with the VC.

Character and appearance

23. In addition to the specific design and scale matters relating to a replacement home set out above, it is also necessary to explore the wider effects of the proposal on the character and appearance of the area.
24. The appeal site is in a National Park where paragraph 182 of the Framework attaches great weight to conserving and enhancing natural beauty. The existing property contains a small area of land around it that has been fenced off and has the appearance of a garden. Beyond this area are the enclosed fields, which include a stone barn. There was evidence of livestock use and this building is likely to have functioned as such in connection with the enclosed fields, rather than as a domestic garage or store.
25. It is claimed that the appeal site benefits from a residential use. However, I have not been provided with any compelling evidence to substantiate this would apply to the fields within it. In any case, it is not appropriate for me to determine whether an existing use or operation would be lawful. This can only

be formally determined by a lawful certificate application under s191 or s192 of the Town & Country Planning Act.

26. Having paid regard to the Landscape & Visual Appraisal, the proposal would nevertheless include a standalone and irregular shaped bunding feature along with solar panels in parts of the appeal site that would be set apart from the proposed buildings. If I were minded to allow the appeal, it is also likely that the future introduction of domestic paraphernalia would result over a very large and publicly visible area. Even with the proposed additional landscaping, these features, together with a significant increased scale of built form would generate harmful urbanising effects that would be prominent in the local landscape.
27. I therefore conclude on this main issue that the proposal would harmfully affect the character and appearance of the area. As such there would be conflict with LP SP's 1.1, 1.2, 1.5, 2.1 and 2.6 as set out above. There would also be conflict with paragraph 182 of the Framework.

Drainage

28. The Authority is concerned that insufficient information has been provided to demonstrate suitable foul and surface water systems could serve the proposed development. It does not however cite conflict with any development plan policies in its reason for refusal. The issue of a nearby watercourse serving other properties is nevertheless raised. The submissions indicate that there would be conflict with LP SP's 1.1, 1.2 and 1.5 which seek to protect the area's special qualities including its water environment.
29. Notwithstanding this, the appeal site already contains a residential property with foul and surface water infrastructure. Furthermore, it is not in an area at risk of flooding. It is conceivable that the existing septic tank could be upgraded, or that alternative means of foul and surface water drainage could be achieved on the wider site area. In the absence of any firm evidence to the contrary, and in accordance with paragraph 55 of the Framework, details of such disposal could be secured by the imposition of an appropriately worded condition. The Authority has suggested such a condition in the event the appeal succeeds.
30. I therefore conclude on this main issue that the scheme would be capable of delivering an adequate drainage solution to minimise flood risk and protect water quality.

Other Matters

31. The development would provide an energy efficient, comfortable living environment including renewable energy supplies and electric vehicle charging. This would maintain the diversity of housing stock. Efforts to mitigate against harm to bats are also acknowledged, though this would be a neutral factor. Nevertheless, any such benefits associated with the scheme would not be sufficient to outweigh the identified harm.
32. I have paid regard to the appellant's comments in respect of the processing of the application. However, these have no bearing on my decision which is based on the planning merits of the proposal.

33. While the support of the Parish Council is acknowledged, this would not be a reason in itself to allow inappropriate development.

Planning Balance and Conclusion

34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the Framework. In this respect, I acknowledge the case law cited by the appellant which emphasises that the development plan should be considered as a whole.
35. I have found that the proposal would be capable of delivering an adequate drainage solution. However, this would be a neutral factor that would not outweigh the identified harm to the conflict with the Authority's replacement homes policy, non-designated heritage assets and the character and appearance of the area.
36. 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