



Appeal Decision

Site visit made on 18 November 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/J9497/W/24/3346089

Broomhill farm, Harford Cross to Combeshead Cross Along Zc193, Harford, Devon PL21 0JG

- 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 and Mrs J Cole, J Cole and Son, against the decision of Dartmoor National Park Authority.
 - The application Ref is 0487/23.
 - The development proposed is conversion of barn and shippon into a live-work unit.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs from Mr & Mrs J Cole, J Cole and Son, against Dartmoor National Park Authority (DNPA) has been received following the final comments' deadline. This has been passed to the Costs Team for consideration as to if the application will be accepted. If accepted, this application would be the subject of a separate decision, and the Costs Team will inform the parties accordingly.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the appeal site would provide a suitable location for the proposal, having particular regard to the local development strategy and accessibility to services and facilities;

Reasons

Character and appearance

4. The appeal site is within the Dartmoor National Park (DNP). The National Planning Policy Framework (Framework) identifies that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
5. The appeal site is visible over hedge banks from the main road where it appears isolated and visually divorced from any nearby farmsteads. Instead, it is observed in views as part and parcel of an attractive and tranquil historic

agricultural landscape within an intricate and undulating pattern of medieval field enclosures, sporadic areas of woodland, and backdrop of moorland. As a simple historic agricultural building, it contributes positively to the character and appearance of the landscape.

6. The conversion of the barn would result in the removal of the existing corrugated roof material and replacement with traditional slate and provide a feature that is typical of buildings in the area. Furthermore, the conversion would not require any additional window or door openings and would generally retain the overall form of the original building.
7. The appellant's Structural Engineers Report¹ (SER) concludes that both barn and shippon can provide sufficient support for restoration and are suitable for conversion to domestic use. Nonetheless, I observed that the shippon lacks a roof structure, the majority of one elevation has collapsed, as well as upper parts of a gable which appear to have also collapsed since the photographs within the SER were taken.
8. Strategic Policy (SP)2.8 of the Dartmoor Local Plan 2018-2036 (LP) requires that the buildings for conversion are structurally sound and capable of conversion without the need for reconstruction. In this instance, I find that the proposal would require substantial rebuilding of the shippon structure.
9. Furthermore, part of the appeal site would be utilised as domestic garden including a patio area which could accommodate domestic paraphernalia associated with the residential use of the appeal site. Such domestication would be evident in the historic agricultural landscape and exacerbated by the presence of parked vehicles, and general activity associated with use as a live-work unit.
10. The proposed landscaping and existing vegetation, nor the nearby topography of the land, which is open in nature, would adequately mitigate the appearance of the domestication of the site within the historic agricultural landscape. This would represent an unwarranted urban encroachment that would erode and be detrimental to the intrinsic value and character of the rural landscape and countryside in this location.
11. Furthermore, whilst 'automatic' black out blinds are proposed, I am unconvinced by the evidence before me that such blinds could sufficiently mitigate the impact of internal lighting on the surrounding area at night or be practically controlled by condition. This would be emphasised by the isolated location, and in combination with general activity associated with the proposed use of the site, there would be a resultant harmful impact on the tranquillity of the area.
12. Consequently, I conclude that the proposal would harm the character and appearance of the area, and conflict with LP policies SP1.1, SP1.2, SP1.5, SP2.1, SP2.6, SP2.7, SP2.8, P5.9 and P6.6. Amongst other things, these policies seek to secure the statutory purposes of the National Park, give priority to its conservation and enhancement, protect landscape character and other valued characteristics, whilst also conserving and enhancing the character and design of buildings.

¹ Ballantine Arnold Ltd

Location

13. LP Policy SP1.2 outlines that all proposals within DNP should pursue sustainable development, noting that development is sustainable when, amongst other criteria, it minimises impact upon climate change by ensuring development takes place where it minimises the need to travel, and promotes and enables travel by public transport, cycle or foot.
14. The proposal has been put forward as a farm diversification scheme. LP Policy 5.9 supports such schemes where, amongst other things, Local Needs dwellings are provided through the conversion of suitable redundant historic buildings. Although not specifying within the Policy that the proposal should be located within reasonable access to necessary services and facilities, it states that proposals will be supported where they are provided in accordance with LP Policy SP2.8.
15. LP Policy SP2.8(2.b) requires, amongst other things, that buildings that are proposed to be converted in the open countryside are converted to the optimum viable use consistent with the building's conservation, 'and' located within reasonable access to necessary infrastructure, services and facilities. Therefore, even if the proposed use is the optimum viable use, the Policy still requires it is located within reasonable access to necessary infrastructure, services and facilities.
16. In this respect, I observed that the appeal site lies away from the road, downhill via a track. The road is rural in character, unlit and lacking footpaths, with the services and facilities available in Ivybridge being approximately 2.5km away.
17. It would be possible to cycle to Ivybridge but given the lack of footways, lack of pedestrian refuge in places, distance involved and undulating topography, it would not be a particularly attractive route to walk, especially after dark and in the winter months. My attention has not been drawn to any public transport services operating along the road. Consequently, future occupants of the proposal would be largely reliant on private vehicles for journeys to services and facilities and cause some, even if limited, environmental harm as a result of increased private vehicular journeys.
18. Given the proposal relates to a live-work unit, movements to and from the site could be reduced due to the lack of commuting. However, the extent to which a reduction in commuting trips would offset trips which would be needed to access day to day services and facilities is not clear. Moreover, future occupants of the unit, or their partners may well need to commute and undertake trips for day-to-day services. Furthermore, whilst electric vehicles(EV) could be utilised, and the proposal incorporates an EV charging point, there is no certainty that future occupiers would also utilise EVs.
19. It has also been put to me that DNPA would be supportive of a proposal for a barn conversion within the farmstead of Broomhill Farm, which would result in similar requirements to travel as from the appeal site. However, whilst the appeal site is not significantly further from services and facilities than Broomhill Farm, given the evidence before me relates to informal advice from DNPA, I have no certainty that there is a greater than theoretical possibility of such a development taking place.

20. My attention has also been drawn to national permitted development rights in relation to the conversion of agricultural buildings to dwellings. However, as such development is not permitted within a National Park, the proposal before me must be considered in accordance with the development plan unless material considerations indicate otherwise.
21. For the above reasons, I conclude that the appeal site would not be a suitable location for the proposal, having particular regard to the local development strategy and accessibility to services and facilities. The proposal would conflict with LP policies SP1.2, SP2.8 and Policy 5.9, the purposes of which are outlined above.

Other Matters

22. There is support for the proposal from the Parish Council and interested parties. However, support does not equate to a lack of harm and for the reasons provided above, I have found harm in relation to the main issues.
23. The barn and shippon, together with the historic enclosure and leat have been identified as non-designated heritage assets. As such, the Framework requires that a balanced judgement is made when assessing the proposal, having regard to the scale of any harm or loss and the significance of the heritage asset. I observed the significance of the heritage assets are derived, in part, from their age and functional architecture, whilst the surrounding agricultural land provides their setting and contributes to their significance due to the working association with the surrounding historic agricultural landscape.
24. In this regard, the architectural details of the proposal have clearly been carefully considered and the proposal would result in repair to the structures. However, the domestication of the appeal site would inevitably result in the erosion of the visual relationship with the surrounding agricultural land, its historic working association, and resultant contribution of the setting to the significance of the non-designated heritage assets. Overall, I find this would result in minor harm to the non-designated heritage assets significance.
25. The proposed farm diversification would result in economic benefits to the farm business, as well as the wider local economy from future occupiers' use of local services and facilities and home working. There would also be benefit from the provision of a unit of housing using sustainable materials and passive design principles for a local person secured by a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) (UU). Further benefits would also result including a net gain in biodiversity, and reduction in water runoff. However, due to the relatively small scale and scope of the proposal, I afford these benefits modest weight.
26. Whilst the appellant's appeal statement indicate that the proposal would also be available for future occupiers at an affordable intermediate rent, the UU does not secure such an obligation, and in any case, I have not been directed to any Policy requirement for such an obligation. I have therefore afforded no weight to this factor.

Conclusion

27. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations individually or cumulatively are of such weight that indicate a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR