



Appeal Decision

Site visit made on 12 November 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024

Appeal Ref: APP/J9497/W/24/3347114

Estrayer Park, Okehampton, DEVON EX20 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Martin Littlejohns against the decision of Dartmoor National Park Authority.
 - The application Ref 0537/23, dated 5 December 2023, was refused by notice dated 8 February 2024.
 - The application sought planning permission "to convert three redundant barns to three holiday units" without complying with a condition attached to planning permission Ref 0362/23, dated 2 October 2023.
 - The condition in dispute is No 2 which state that:
The development hereby permitted shall be carried out strictly in accordance with the approved drawing(s):
 - *Drainage & Roof Plans - ref 02 received (09-08-2023)*
 - *Barn 1 Plans & Elevations - ref 03 received (09-08-2023)*
 - *Barn 2 & 3 Plans & Elevations - ref 04 received (09-08-2023)*
 - *Site Location & Block Plans - ref 01 received (09-08-2023)*
 - The reason given for the condition is: *In the interest of clarity.*
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Decision

1. The appeal is allowed and planning permission is granted to convert three redundant barns to three holiday units at Estrayer Park, Okehampton, Devon EX20 4LR in accordance with the application Ref 0537/23 without compliance with condition number 2 previously imposed on the planning permission Ref 0362/23, dated 2 October 2023, and subject to the conditions in the attached schedule.

Preliminary Matters

2. Whilst the Planning Application form identified condition 5 of planning permission 0362/23 as the condition to which the application related, the Appeal Form indicates that this was subsequently changed to condition 2. This change is confirmed in the Appellant's Statement of Case and is the condition identified in the Council's decision notice. I have therefore determined the appeal on this basis.
3. The barns are described in various ways but referred to as the 'Eastern' and 'West' barns on the submitted block plan. I have adopted those descriptions in my decision.
4. Reference is made in the description of the application to the application being "retrospective." This in itself is not a form of development and I have not

included it in the description of development. However, the submitted evidence confirms that the conversion of the Eastern Barn has already been carried out and uPVC windows, doors and roof lights have been installed. I was able to see this on my site visit.

5. During the appeal process I clarified with the parties that the plans which show the revised elevations of the barns are plans J523-10-03 rev A 'Proposed Doors, Windows and Rooflights. Barn Plans & Elevations' and J523-10-04 'Windows Doors and Roof Lights Barn Plans & Elevations' and have determined the appeal accordingly.

Background and Main Issue

6. Planning permission was originally granted in 2017 for the conversion of three redundant barns to three holiday units. After works commenced, a further planning permission was granted on 2 October 2023 for a "retrospective application to convert three redundant barns to three holiday units". This was subject to 15 conditions including a number of conditions to protect the character and appearance of the building and its impact on this part of the Dartmoor National Park. Condition 2 specified, for clarity, the approved plans and elevations of the two barns being converted. The appeal proposals seek permission for alternative elevation plans in order to retain uPVC windows, doors and roof lights on the Eastern Barn and the installation of uPVC windows doors and rooflight on the West Barn.
7. The main issue is therefore the effect of the amended elevations on the character and appearance of the barns including their effect on the significance of the buildings as non-designated heritage assets having regard to the site's location in the Dartmoor National Park.

Reasons

8. The barns are part of a group of four buildings which front onto a yard used in association with the holiday accommodation. A substantial two storey dwelling lies immediately to the east and forms part of the group of buildings. The stone barns, which lie adjacent to the main B3260, derive their significance as Non-Designated Heritage Assets (NDHAs) from being part of an historic, family owned farmstead appearing on the Tithe map and the 1884 OS map. The Eastern Barn has planning permission to be converted into two, two storey holiday homes which has eroded its agricultural character and appearance both internally and externally. Together with the alterations to the West Barn this has resulted in them having a moderate level of significance as NDHAs.
9. The plans approved in 2023 by planning permission 0362/23 for the conversion of the barns set out the details of the doors and windows indicating that the roof lights would be "conservation windows" to lie flush with the slate finish. The doors of the barns were to be retained as external shutters with new softwood doors to be deeply recessed. The windows are shown on the approved plans to be stained softwood with toughened, bronze tinted glass.
10. Condition 2 of the permission was necessary to secure implementation of the development in accordance with the approved plans and meets the tests for conditions set out in the National Planning Policy Framework (the Framework).
11. The appeal plans differ from the approved plans in a number of ways. The doors and windows in the side elevations of the barns are "Anthracite," uPVC

double glazed units. Two of the full height openings in the south east elevation of the Eastern Barn have been altered so that the upper part is a window but with the lower part infilled by a slate coloured panel. The external door for unit 3 has also been repositioned to where a window opening had previously been shown. An additional rooflight has been installed on the south eastern roof elevation of the Eastern Barn with 2 further roof lights in the north western roof slope facing the road.

12. On my site visit I saw that the doors and windows are sufficiently recessed from the face of the Eastern Barn to provide visual contrast in the elevations and retain clear, visible reveals and sills. Together with the distinctive brick and stone lintels over the doors and windows, they continue to retain the building's barn-like appearance. The doors, whilst not timber, have been convincingly designed to have the appearance of timber plank doors. Similarly, although the windows are uPVC, they reflect the style of a traditional casement window. Together with the dark grey colour of the materials used, the doors and windows when viewed individually or as a whole do not have an adverse effect on the appearance of the building or cause harm to the significance of the NDHA. Whilst the works as carried out on the Eastern Barn and those proposed for the West Barn differ from those which have received planning permission, the buildings will continue to retain the same character as in the approved scheme.
13. Dartmoor Local Plan 2021 (DLP) policy 1.5 states that traditional and natural building materials should be used in new development to complement Dartmoor's vernacular. Further guidance is set out in the Dartmoor Design Guide 2011. Whilst it does not encourage the use of uPVC for windows neither the policy nor the guidance explicitly seek to exclude it. Although the Design Guide indicates that their manufacture is an energy intensive process and they are harder to repair or recycle than timber windows, the evidence before me is that they are recyclable. The evidence also suggests that timber can have its own sustainability issues depending on its origin, type and treatment, such as with paints and preservatives. Reference is made to the close proximity of 3 of the windows to the road and the damage caused to timber windows by spray and dirt, including road salt, from passing vehicles which would increase the need for maintenance and treatment of timber windows. As a consequence, from the evidence before me, I cannot conclude that the use of timber windows in this location would necessarily be more sustainable than the uPVC alternatives used and proposed in this case.
14. The appeal plans show 3 roof lights in the front elevation and 2 roof lights in the rear elevation of the Eastern Barn with only one in the front elevation of the West Barn. Although the roof lights in the Eastern Barn sit slightly above the plane of the roof and are not flush with it, the size and length of the roofs compared to the size of the individual roof lights means they do not appear as discordant features. Their dark edging materials blend with the colour of the roofs and their position mid-way up the roof slopes means that they are not prominent in views of the building either from the road or from the yard. As such they do not compromise the appearance of the roof or have a harmful effect on the character or appearance of the Eastern Barn or its significance as a NDHA. For the same reasons, the proposed windows and roof light in the West Barn would not have an adverse effect on its character or appearance or its significance as a NDHA.

15. I have had particular regard to the statutory duties under the National Parks and Access to the Countryside Act 1949 and the Environment Act 1995. I also give great weight to conserving and enhancing the landscape and scenic beauty in the National Park and to the effect of the works on conservation and enhancement of wildlife and cultural heritage. Whilst the barns are located adjacent to the road and visible from it, the main alterations to them face inward into the site. The other buildings to the south and east, coupled with existing boundary planting, screen them from wider views across the landscape. Whilst the roof lights and windows in the rear elevation of the Eastern Barn are visible from the road, for the reasons given, they are sufficiently minor as to continue to conserve the character and appearance of the building and thereby the landscape and scenic beauty of the National Park.
16. The effect of the appeal scheme on the enhancement of the site and its surroundings is not materially different to the approved scheme. The surrounding landscape and scenic beauty of the National Park would continue to be conserved as a result of the amended design. The evidence indicates tree planting has taken place around the site and I have seen no evidence to suggest that the appeal development would have any implications from a wildlife perspective. I note that the Authority's Officer Reports on both the conversion approved in 2023 and on the appeal scheme arrived at a similar conclusion to me on this. Moreover, the use of the buildings for holiday accommodation for visitors is consistent with the Park's purpose of promoting the enjoyment of its special qualities. For the same reasons, the works comply with the English National Parks and the Broads: UK Government Vision and Circular 2010.
17. The Framework requires me, when weighing applications that directly or indirectly affect a NDHA, to make a balanced judgement having regard to the scale of any harm and the significance of the heritage asset. In this instance, the buildings are of moderate significance and the existing and proposed alterations do not, and in the case of the West barn would not, cause harm to their significance.
18. In conclusion, for the reasons given, the amended plans do not have an adverse effect on the character and appearance of the barns, their significance as NDHAs or the special qualities of the Dartmoor National Park. They therefore comply with DLP policies SP1.1, SP1.3, SP1.5, SP2.7, SP2.8 and P5.5.

Matters

19. The Officer's Report on planning application 0362/23 addressed the principle of the conversion of the barns to holiday lets and considered it to be acceptable in terms of its location, highway access and effect on living conditions. No evidence has been produced to suggest a material change in circumstances since that approval which would necessitate a reassessment of those matters.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting it with another incorporating the updated plan numbers and

restating and updating those undisputed conditions that are still subsisting and capable of taking effect.

Conditions

21. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
22. I have considered the conditions imposed on planning permission 0362/23 and the amended list of conditions subsequently suggested by the Authority during the appeal process. For ease of reference, I have adopted the numbering of the Council's suggested conditions and renumbered them as appropriate in the attached schedule.
23. As the works have already commenced the condition requiring them to begin within 3 years is not necessary. The disputed condition is replaced with a revised condition inserting updated plan numbers to reflect the appeal scheme. Condition 3 is necessary to retain the accommodation for holiday purposes in compliance with the DLP's locational policies for new housing and DLP Policy 5.5 regarding tourist accommodation. In the interests of precision, I have added additional wording to specify what information the register should hold.
24. The conversion works have been carried out on the Eastern Barn and have been commenced on the West Barn therefore condition 4 is not necessary. Should unauthorised rebuilding take place then the development would not be in accordance with the approved plans, which is the subject of a separate condition. As the windows, doors and flues have already been installed in the Eastern Barn I have updated conditions 5 and 7 to refer only to the West Barn and also include wording requiring the works to be retained thereafter. This condition is reasonable and necessary to ensure any future changes can be fully considered.
25. Condition 6 is both reasonable and necessary to retain the character and appearance of the buildings and their setting. Without it, future additions or structures could be erected which would harm the significance of the NDHAs or the special qualities of the National Park. I have however deleted the 'tailpiece' to the suggested condition as this might circumvent the statutory routes to vary conditions depriving third parties of the opportunity to comment. The reference to 'like for like' replacement in condition 8 is imprecise and therefore unlikely to be enforceable. I have amended the condition accordingly.
26. Conditions 9 and 10 are reasonable and necessary to maintain the character and appearance of the buildings and their significance as NDHAs. However, I have also adjusted their wording to make them more precise. Suggested condition 11 is also reasonable in the interest of promoting sustainable development in accordance with DLP Policies 1.2 and 4.5. I have adjusted its wording to reflect that as the Eastern Barn is already in use they should be provided before the occupation of the West Barn, which would be the completion of the development, and ensure the charging points are thereafter maintained in accordance with the approved details.

R Kent

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings:
 - Site Location and Block plan.
 - 'Proposed Doors, Windows and Rooflights. Barn Plans & Elevations' plan reference J523-10-03 rev A;
 - 'Windows Doors and Roof Lights. Barn Plans & Elevations' plan reference J523- 10-04;
 - 'Windows. Window Schedule & Fascia Detail' plan reference J523-10-05.
2. The development hereby permitted shall not be used or occupied other than for the provision of short let holiday accommodation. No person, couple, family or group shall occupy or use the accommodation hereby permitted for a single period or cumulative periods exceeding 28 days in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
3. Prior to the first occupation of the holiday accommodation in the West Barn, the frames of all external windows and doors in the West Barn hereby approved shall be recessed at least 100mm in their openings and thereafter retained in that position.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no material alterations to the external appearance of the buildings shall be carried out and no extension, building, enclosure, structure, erection, hard surface, swimming or other pool shall be constructed or erected in or around the curtilage of the dwellings hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed.
5. The flue pipe serving the development of the West Barn hereby approved shall be painted black prior to the first occupation of the holiday accommodation in the West Barn and thereafter maintained as black painted.
6. All existing timber verges and fascia boards on the development hereby approved shall be retained unless replaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to their removal.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) any re-roofing including replacement of slates of the development hereby approved shall be carried out in a natural slate, a sample of which shall be submitted to the Local

Planning Authority for approval prior to the commencement of any re-roofing or replacement of slates. At all times thereafter the roof shall be maintained in the approved natural slate and shall be nail fixed.

8. Any repointing of the buildings shall be completed using traditional techniques and materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the repointing being commenced.
9. Prior to the first occupation of the holiday accommodation in the West Barn, three electric vehicle charge points serving the development hereby approved shall be installed and connected for use in accordance with details to be submitted and approved in writing by the Local Planning Authority. The electric vehicle charge points shall thereafter be maintained in accordance with the approved details.