



Appeal Decision

Site visit made on 24 September 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024

Appeal Ref: APP/J9497/W/23/3325948

Barn at Brentor, Tavistock PL19 0LT

Grid reference Easting: 248008, Northing: 81392

- 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 Mrs C Woods against the decision of Dartmoor National Park Authority.
 - The application Ref is 0078/23.
 - The development proposed is conversion of a barn to a dwelling and erection of artist studio.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted to the Authority before its decision was made. However, the amended plans were not accepted by the Authority, and no public consultation was carried out. Although these plans accompanied this appeal, the Procedural Guide: Planning appeals – England explains that it is important that what is considered at appeal is essentially what was considered by the local planning authority, and on which interested people's views were sought. Interested parties have not been given the opportunity to make representations on the amended plans, and the Council has provided no comments on them. If I were to accept them at this stage, it would give rise to procedural unfairness. I have therefore determined this appeal on the basis of the plans originally submitted to the Authority, on which it based its decision, and which have been subject to formal public consultation.
3. The Authority's Building Conservation Officer has raised a number of concerns regarding the scope and content of the submitted Heritage Statement. However, I am satisfied that I have sufficient evidence before me in the form of the Heritage Statement, the North Brentor Conservation Area Character Appraisal (NBCACA), the Building Conservation Officer's comments, and my own observations. I am therefore able to reach a finding on heritage matters.
4. The appeal settlement is variously referred to as North Brentor and Brentor. For consistency with the evidence and the appeal address, I have used the name Brentor except when referring to the formal designation of the Conservation Area.
5. In its appeal statement, the Authority raised an additional reason for refusal relating to the appellant's local connection to Brentor and the development plan policy requirements for local needs custom self-build housing. The appellant

has been given the opportunity to provide comments on this matter, and I have considered it as part of my main issues below.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the area, having regard to its location within the Dartmoor National Park (DNP);
- whether the proposal would conserve or enhance the character or appearance of the North Brentor Conservation Area (NBCA), including the effects of the proposal on the appeal building as a non-designated heritage asset (NDHA);
- Whether the site would be a suitable location for the development proposed having regard to the policies of the development plan; and
- The effect of the proposal on the living conditions of neighbouring occupiers at Rose Cottage, with regard to privacy.

Reasons

Character and appearance

7. The appeal site is situated within the Dartmoor National Park (DNP). National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks 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. Accordingly, in exercising or performing any functions in relation to a National Park in England, Paragraph 182 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, alongside the conservation and enhancement of cultural heritage.
8. The appeal site comprises a modest barn on the western edge of Brentor village, alongside an adjacent field with an existing gated access through the roadside bank onto the highway. The barn addresses the junction of Chapel View with the main village through road, immediately adjacent to the driveway of Rose Cottage and opposite The Chapel. The character of this area is defined by its historic settlement edge and deeply rural winding lanes bound by Devon hedgebanks. The evidence indicates that remnant historic field boundaries surround the adjacent field, and rising ground to the east and west of the village alongside numerous trees and hedgerows give a sense of the settlement being nestled into the surrounding gently undulating landscape. Together, these characteristics contribute to DNPs Special Qualities, including its strong medieval settlement pattern of scattered hamlets and villages set within enclosed farmland.
9. The proposal would involve the conversion of the barn into a dwelling, including the insertion of openings on the west elevation, insertion of a roof light, and a modest increase in the ridge height of the roof. A 'link' building faced in stone with large windows to the south and a flat green roof would provide a contemporary link to a proposed artist's studio, which would be clad in local stone with some large, glazed openings into the eaves and as rooflights. The

existing gateway onto the road would be widened, and an area of hardstanding introduced to the field to accommodate car parking, alongside the creation of a courtyard garden.

10. Both parties have referred to the DNP Design Guide (2011) and its section on Converting traditional farm buildings. This outlines a series of guiding principles for the successful conversion of traditional farm buildings, having regard to the contribution they make to the character and cultural heritage of the National Park. While locally appropriate material selection has clearly been part of the design process, there are a number of issues with the proposal that give rise to conflict with the design guidance. In particular, maintaining the agricultural character of the barn, avoiding extensions and the addition of domestic detail, avoiding domestication of the building's surroundings, avoiding new window openings, and positioning rooflights on the least visible roof slopes each present issues with the proposal when considered against this guidance.
11. The proposed studio would form a dominant structure adjacent to the modest barn. While the proposed stone walls of the studio would reflect details of the traditional building, its wider span, height, and large glazed openings would combine to create a massing and overall appearance that would be markedly out of keeping with the modest and functional character of the barn, and with the traditional rural character of the village edge. This effect would be exacerbated by the rising ground levels to the west, increasing the prominence of the extension. The resulting visual impact of the studio would be significant, with the studio and its contemporary glazed gable visible as a large and incongruous feature above the roof of the barn on the road approach from the village. In views from west, including the cemetery, the large studio would also form a noticeably prominent feature.
12. In addition, the wider changes to the site associated with the widened entrance gateway, hard surfacing, presence of parked cars within the elevated field, and associated fencing and retaining walls would introduce a harmful level of domestication into the agricultural context of the barn and wider settlement. Taken together, the proposal would therefore conflict with the prevailing characteristics of the traditional settlement edge within enclosed farmland, and would erode the contribution that these characteristics make to the Special Qualities of the DNP.
13. I recognise that the proposed link building would sit behind and below the ridgeline of the barn, and is unlikely to be visible from public vantage points. Where present in views, its modest scale and stone facing to the north would respect the rural settlement edge character. I also recognise that boundary treatments within the field and the treatment of the gateway could be secured by condition, and could better reflect the agricultural setting of the barn and the village as a whole. However, even if acceptable details for these elements could be secured, they would not overcome the harm caused by proposal as a whole.
14. Overall therefore, for my reasons above, I conclude that the proposed development would harm the character and appearance of the area and the DNP. It would therefore conflict with Strategic Policies (SP) 1.1, 1.2, 1.5, and 2.1 of the Dartmoor Local Plan (2021) (the Local Plan) insofar as they seek to ensure that new development conserves and enhances the natural beauty of the area and protects Dartmoor's Special Qualities; delivers distinctive high-

quality design of an appropriate character, appearance, scale, and massing; and conserves and/or enhances landscape character.

Conservation area

15. As the appeal building is located within the North Brentor Conservation Area (NBCA), in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the NBCA.
16. The NBCA covers the majority of the village, encompassing its historic core of development to the south-west, along with several associated clusters of built form. In the context of the appeal site, the designation extends west to include the appeal building, with the remainder of the appeal site comprising an agricultural field that lies outside the designation. The NBCA is characterised by a varied pattern of historic development in the village, with many high-quality buildings of numerous architectural styles set around a simple road structure and several open spaces. There is little unity in the form, orientation, or style of buildings, but this informal arrangement of buildings and spaces has created a very attractive rural village character nestled into the Dartmoor landscape.
17. I have had regard to the submitted evidence, and alongside my own observations consider the significance of the CA as a whole relates to its historic rural village character comprising varied vernacular and architectural styles indicative of its early growth, clustered around the historic road network and open spaces of the settlement. Identified as an 'historic and high quality' building within the NBCA, the appeal building makes a positive contribution to the special historic and architectural interest of this part of the NBCA, marking a long-standing presence on the edge of the village abutting the surrounding agricultural countryside, with characteristic corrugated metal roofing and some exposed stone walling.
18. The authority has identified the appeal building as a NDHA based on the Historic Environment Record. This is not contested by the appellant, and based on the evidence, I see no reason to conclude otherwise. While I have had regard to the appellant's assertion that the barn may have been rebuilt, it nonetheless represents an important feature of the conservation area, and its significance lies in its simple functional form and construction, visible at a gateway to the village and within important views identified by the NBCA.
19. As part of the enclosed farmland surrounding the historic settlement, the sloping field of the appeal site forms part of the setting of the NBCA and the appeal building as a NDHA. It makes a particularly important contribution to the nestled character of the village, and as part of the distinctive rural landscape in which the heritage assets are experienced.
20. With the exception of the large rooflight on the east-facing roof slope, the proposed conversion of the barn would be relatively modest when considered in isolation. However, for the reasons described in my main issue above, the wider changes to the site associated with the scale, design, and prominence of the proposed studio and the domestication of adjacent area of the field would fail to preserve the character or appearance of the NBCA or the barn as a NDHA. This would result in harm to the significance of these heritage assets as a result of development within their settings.

21. In particular, the addition of modern and visually prominent development would conflict with the historic rural village character nestled into the landscape. Moreover, the significant overall changes to the scale, appearance, and character of the gateway site would undermine the contribution that the existing barn makes to the gateway of the village, weakening the strength of character of this part of the NBCA.
22. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the NBCA as a designated heritage asset, and would harm the significance of the appeal building as a NDHA. There would, therefore, be conflict with SPs 1.1, 1.2, 1.5, and 2.7 of the Local Plan insofar as they seek to ensure that new development conserves and enhances the cultural heritage of the area, and conserves heritage assets and their settings.
23. In respect of SP 2.7, any harm to a designated heritage asset should be less than substantial, justified, and clearly outweighed by the development's public benefits. For non-designated heritage assets, any harm should be balanced against the significance of the asset and found to be reasonable and justified. The harm which would be caused to the significance of the NBCA would be less than substantial, but nevertheless of considerable importance and weight. Paragraph 208 of the Framework also indicates that this harm should be weighed against the public benefits of the proposal, with great weight given to the asset's conservation. In addition, Paragraph 209 sets out that a balanced judgement is required in relation to a NDHA, having regard to the scale of the harm and the significance of the asset.
24. The proposal would offer social and economic benefits that are also public benefits. Benefits would arise from the delivery of a dwelling, increasing the choice of housing available and contributing to the Government's objective to significantly boost the supply of homes. Located within the settlement of Brentor, there would be further benefits as future occupiers of the dwelling would support the limited local services and maintain the vitality of the rural community, alongside economic benefits relative to the construction phase and the operational phase of the appellant's business. Subject to suitable controls, there would also be environmental benefits through biodiversity enhancements detailed in the Wildlife Survey, the efficient use of land, a small amount of renewable energy generation, the landscaping of the site, and the repair of the stonework walls of the barn.
25. However, the social, economic, and environmental benefits, which are also public benefits, associated with one dwelling and an artist's studio would be very modest. Even taken together, they would not be sufficient to outweigh the great weight that the conservation of a designated heritage asset carries. In respect of the NDHA, the proposal, particularly the studio and wider site changes, would harmfully alter the setting, character, appearance, and resulting significance of the barn. In taking a balanced judgement, while having regard to the benefits outlined above, I do not find this harm to be reasonable or justified. The proposal would also therefore fail to accord with the balances set out in SP 2.7 of the Local Plan and the historic environment protection policies of the Framework in respect of the designated and non-designated heritage assets.
26. In its reasons for refusal, the Authority has also found conflict with Policy 6.6 of the Local Plan which relates to renewable energy. The proposed areas of solar

panels on the dwelling and studio are shown facing away from the public realm and NBCA, and any wider visual impact could be mitigated by securing conservation-style solar panels that sit flush with the roof slope without bright metal frames. Subject to a condition securing appropriate detail, I do not find that there would be conflict with Policy 6.6 in so far as it requires renewable energy development to conserve the National Park's Special Qualities including heritage significance.

Whether a suitable location

27. It is not disputed between the parties that the appeal building lies within the settlement of Brentor, identified within a list of villages and hamlets by SP 1.3 of the Local Plan. The appellant describes the appeal site as a whole, incorporating the adjacent field, as an infill site. However, on the ground there is a clear distinction between the barn and the adjacent agricultural field.
28. The supporting text to SP 3.5 of the Local Plan (Housing in Villages and Hamlets) identifies that infill sites must respect the form of these small settlements and be clearly within the built form of the settlement, not leading to sprawl or linear spread. In this case, the existing use of the field, its traditional banked and hedgerow boundaries, and its elevated position above the low-set development within the village clearly indicates that it is part of the countryside surrounding the settlement, and not part of the built form of Brentor. While there are a small number of properties located beyond the appeal site away from the village, these feel remote from the settlement as a result of the topographical changes, and the prolonged stretches of hedgerow and open fields separating them from the village. As a result, they do not provide a built context that indicates that the field is part of the settlement.
29. Accordingly, the appeal site as a whole, incorporating the adjacent field, is not an infill site. The Authority's approach to considering the barn conversion as a dwelling within the settlement of Brentor, and the studio extension as non-residential development outside the settlement is therefore reasonable, based on the policy context and the situation on the ground.
30. SP 1.3 identifies that within villages and hamlets, limited development to meet identified needs of the settlement and its parish will be acceptable in principle. Alongside SP 3.6, SP 3.5 outlines that in villages and hamlets, this housing will be delivered through the conversion or change of use of existing buildings within the settlement, or through new development of local needs or custom self-build housing of up to 3 dwellings. However, evidence provided by the Authority identifies that the appellant would not meet the 'local person' criteria required to be eligible for such housing.
31. While I understand the appellant's frustrations in her situation and previous connection to Brentor, the definition of a local person is clearly set out in section 3.3 of the Local Plan, with a series of well-defined criteria. As outlined in the Authority's letter dated 24 November 2023, the appellant does not meet these criteria, and I have not been presented with any substantive evidence that its assessment of the appellant's circumstances is factually incorrect. As such, the appellant would not be a local person for the purposes of the Local Plan, and the residential element of the proposal would therefore not be expressly supported by SPs 1.3, 3.5 and 3.6.

32. Although the appellant has highlighted SP 2.8 of the Local Plan, this policy specifically relates to the conversion of historic non-residential buildings in the open countryside. As the works to convert the barn are located within the settlement of Brentor, this policy is not determinative to the proposal. Moreover, criterion c) i) and ii) of the policy require that the conversion work conserves and/or enhances the character and appearance of the building and its setting, and proposes no significant new openings or extensions. Accordingly, even if this policy were to be applied, for my reasoning above the proposal would not meet these requirements.
33. With regard to the link and artist's studio, as outlined above, these would comprise new, non-residential development in the open countryside. In this location, SP 1.3 is supportive of development related to existing businesses. SP 5.1 adds greater clarity to this, and is similarly supportive of non-residential business development in the open countryside where it is needed to support small-scale expansion of existing businesses. The appellant also highlights that the appellant's business is small scale, low impact, and promotes opportunities for the quiet enjoyment and understanding of the National Park's Special Qualities, thus meeting the policy's requirements for new business development.
34. Notwithstanding both of these potential avenues of support under SP 5.1, criterion 1 of the policy is clear that all non-residential business development should be of a scale appropriate for its location, and should conserve or enhance Dartmoor's Special Qualities. Given my findings in relation to my first main issue, the proposal would not meet these requirements, being of an inappropriate scale and failing to conserve the Special Qualities of the DNP.
35. Overall therefore, while SP 1.3 offers broad in-principle policy support for the residential conversion of the barn within the settlement, and the potential for non-residential development in the countryside, the appellant's personal circumstances and the design of the non-residential elements of the scheme result in a proposal that is not policy-compliant. I therefore conclude that the site would not be a suitable location for the development proposed, and would conflict with SPs 1.3, 3.5, 3.6, and 5.1 of the Local Plan as outlined above.

Living conditions

36. Although not referred to in its reasons for refusal, the Authority's Officer Report identifies conflict with Policy 1.7 of the Local Plan in so far as it sets out that development should not significantly reduce the levels of privacy enjoyed by the occupiers of nearby properties. The Authority finds harm to the privacy of occupiers of Rose Cottage, which lies to the south-east of the appeal site.
37. The proposed conversion of the barn would retain the existing doorway facing the driveway of Rose Cottage as a shutter, with a rooflight above. Any views upwards through the rooflight towards Rose Cottage would be difficult to achieve, being at a very oblique angle. As such, while the physical relationship between the properties is relatively close, I do not consider that the potential for upward views would result in a notable reduction in privacy at Rose Cottage.
38. The opening of the proposed doorway shutter would facilitate views over the driveway towards the garden of Rose Cottage, and oblique views towards its front elevation. The plans are not clear on the operation of the shutter, or

whether there would be window glass behind it. However, subject to an appropriately worded condition on the operation of the shutter and/or securing obscured glazing to any window within the opening, I am satisfied that the effects on privacy of neighbouring occupiers could be adequately controlled. The proposal would not therefore result in unacceptable harm to the living conditions of neighbouring occupiers at Rose Cottage with regard to privacy, and would accord with Policy 1.7 of the Local Plan.

Other Matters

39. Section 66(1) of the Listed Building Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
40. The appeal site lies to the west of The Chapel, a Grade II listed building. The special interest of The Chapel derives, in part, from its cultural and historical interest, age, and remaining architectural detailing. Its setting allows the appreciation of the building and its associated cemetery in the context of the historic core of the settlement, seen primarily on the road approach to the village. Whilst the appeal site is close to and seen in the same context as The Chapel, it is visually and physically separated from the listed building. The proposals would not obscure any key views of the building or significantly alter its historic setting. In particular, the proposed changes to the eastern facing elevation of the appeal building would be relatively modest, and the wider changes resulting from the studio extension would be separated from the listed building by both the appeal building and topography.
41. The Authority's Building Conservation Officer has also highlighted further designated heritage assets in the local area, including the Grade 1 listed Church of St Michael de Rupe, and the associated Scheduled Monument. These lie at a considerable distance from the appeal site. While the setting of these wider heritage assets may encompass the village of Brentor, the appeal site's contribution to that setting would be very minor, and the proposed changes negligible at such a distance.
42. Notwithstanding the Building Conservation Officer's comments, the Authority has not raised any specific concerns in relation to the impact of the proposed development on the setting or special interest of The Chapel or the wider heritage assets. Based on the evidence and my own observations, I also find no harm in this regard. However, the absence of harm is a neutral matter, and does not alter my conclusions in respect of the main issues regarding the harm to the character and appearance of the DNP, the NBCA, and the appeal building.
43. The Authority's decision notice refers to the 'English National Parks and the Broads UK Government Vision and Circular 2010' although not to any particular part or policies thereof. Given that I have found the proposal to conflict with the development plan in any case, I have not attributed weight to this Circular.
44. I am mindful of the appellant's frustrations regarding the Authority's pre-application advice, and their assertion that the proposed scheme met the expectations of this advice. However, pre-application advice is given without prejudice to any future decision and therefore this has little bearing on my

considerations of the appeal proposal. I have considered the proposal on its own merits and reached my decision based on the submitted plans and my own judgement.

Conclusion

45. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should therefore be dismissed.

K Jones

INSPECTOR