



Appeal Decision

Site visit made on 22 October 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/K1128/W/24/3338129

**Spring Barn, A379 Stokenham Cross to Kiln Lane, Stockenham, Devon
TQ7 2FE**

- 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 David Gorvett against the decision of South Hams District Council.
 - The application Ref is 1557/23/FUL.
 - The development proposed is erection of dwelling on site of former agricultural barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes (NL). There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the South Devon AONB with the South Devon NL (SDNL) in my decision to reflect this change.

Background

3. Two planning permissions had been previously granted for the conversion of a barn, which used to occupy the site, to a dwelling¹. The structural survey report that accompanied one of those planning applications indicated that structurally the remaining walls could provide for a conversion but there would need to be some degree of rebuild. It is not clear the level of rebuild required but the Council were satisfied that the building was capable of conversion without significant rebuilding.
4. At some point in time following the granting of the permission to convert the building, it was concluded that the building was incapable of conversion and the barn was subsequently demolished. Only two stone pillars remain on site. A certificate of lawfulness application was submitted to establish whether the 2018 permission had been implemented². The Council advised that the demolition of the barn meant that the permission was lost when having regard to the Hadfield judgement³. The application was withdrawn. The determination of the appeal shall proceed on the basis that planning permission is being sought for the erection of a new dwelling.

¹ South Hams District Council application references 2805/17/FUL & 2722/18/FUL

² South Hams District Council application reference 0290/22/CLP

³ *Hadfield v. Secretary of State for the Environment* 1996 E.G.C.S 114

Main Issues

5. The main issues are:

- whether the appeal site is a suitable location for new residential development having regard to the development plan, access to local services and facilities and its location in the Undeveloped Coast and Heritage Coast;
- the effect of the proposed development on the character and appearance of the area, having particular regard to the SDNL, Undeveloped Coast and Heritage Coast;
- the effect of the proposed development on highway safety; and
- whether the proposal would include appropriate measures to meet carbon reduction objectives.

Reasons

Location

6. The appeal site is an agricultural field that is located on the edge of Stokenham. There had previously been a dilapidated barn on the site, which had been the subject of previous planning permissions to convert to a dwelling. However, as established above, permission is now being sought for a new build dwelling.
7. Policy SPT1 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 (JLP) sets out that the Council will support growth and change where it follows the principles of sustainable development (economic, social and environmental). Policy SPT2 of the JLP facilitates the development and growth of sustainable linked neighbourhoods and rural communities where sustainable development criteria is met.
8. The development plan seeks to prioritise growth through a hierarchy of sustainable settlements. Although the JLP does not include settlement boundaries, it is understood that the site was outside the settlement boundary for Stokenham as laid out in the previous development plan. It is this information, together with the position and character of the site, that has led the Council to conclude that it is in the countryside. This is not disputed by the appellant, and I have no reason to reach a different conclusion.
9. Given that the site is regarded as being located in the countryside for the purposes of the development plan, Policy TTV26 of the JLP is determinative in the consideration of the appeal. Under the second part of the policy there are circumstances listed where development in the countryside can be permitted. These include re-using traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration. With the loss of the barn, the proposal does not constitute one of the circumstances listed under Policy TTV26 and therefore conflicts with the policy.
10. Stokenham has a primary school, a village hall, a public house and a church. These services and facilities are easily and safely accessible through a gate in the boundary between the site and the church car park. However, the village's services and facilities collectively constitute a limited range of services and facilities, and it would therefore be necessary for occupants of the proposed

dwelling to travel to larger settlements further afield in order to access various day to day services and facilities such as shopping, secondary education and medical care.

11. There is a bus stop near to the site on the A379 and this would also be easily and safely accessible. However, I have no evidence before me setting out which settlements can be reached by that bus service or the frequency of that service. As such, I have not been provided with evidence to persuade me that public transport would provide a realistic alternative to the car.
12. Based on the evidence before me, it appears that the vast majority of journeys to and from the site on a day-to-day basis would need to take place by private vehicle to access services and facilities.
13. Given the location of the site within the Undeveloped Coast and Heritage Coast designations, Policy DEV24 of the JLP is also relevant to the determination of the appeal. Part of the criteria of Policy DEV24 is that it needs to be demonstrated that the coastal location is required and that it cannot be reasonably located outside the Undeveloped Coast. Proposals related to agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that are needed by the local community are supported by the policy. I have not been provided with information that demonstrates compliance with these requirements of Policy DEV24 and the proposal therefore conflicts with the policy.
14. For these reasons, I conclude that the appeal site is not a suitable location for residential development when having regard to the development plan, access to local services and facilities and its unjustified location in the Undeveloped Coast and Heritage Coast designations. Consequently, the proposal would conflict with Policies TTV26 and DEV24 of the JLP, for the reasons set out above. Additionally, the proposal would conflict with the Framework, which promotes sustainable development in rural areas.

Character and appearance

15. The appeal site is within the SDNL, the Undeveloped Coast and the Heritage Coast. Given that the site is within the SDNL, I am conscious that the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in protected landscapes. The Undeveloped Coast is a designated area that intends to conserve the undeveloped character of said area and the purpose of the Heritage Coast is, in part, to conserve, protect and enhance the natural beauty and heritage of the coast.
16. The site is bordered by the church car park to the west and the churchyard to the north. The A379 passes the southern boundary of the site and it is when travelling along that road from the east that the site is most visible. The site is seen in the context of the church tower behind, and the public house and other buildings can also be partially seen in the background through the boundary vegetation. The site therefore has some visual relationship with the village.
17. The proposed dwelling would be constructed in the same area of the site as the barn that previously occupied the site. It would be two storeys and set into the sloping land. An extension would be erected on the rear of the building, and this would provide the rear access into the dwelling at the upper floor

level. The external walls would be predominantly finished in natural stone with elements of timber cladding. The roof would be covered in natural slate. In the front elevation would be numerous openings and a large glazed opening would be formed in the eastern elevation.

18. Although the site has some form of a visual relationship with the village, it has a distinctly agricultural character and appearance. If the existing detritus were to be removed from the site, it would contribute positively to the wider landscape. The backdrop of substantial mature planting that forms the physical edge of the settlement also means that the site is seen more in the context of the adjoining agricultural land rather than the built form of the village.
19. The design and form of the proposed dwelling, particularly the amount of window openings, would not be reflective of an agricultural building and therefore appear out of place within the rural landscape. Furthermore, the large expanses of glazing over the front elevation would result in a substantial amount of light spill in an area around the village that has relatively little existing artificial light sources. Domestic paraphernalia that cannot be controlled by a planning condition, due to it not constituting material development, would further exacerbate the harmful impact. As such, the erection of the proposed dwelling and the associated works, in the form of an outbuilding and a driveway, in this agricultural field outside the physical confines of the village would result in harm to the undeveloped and unspoilt character, appearance and tranquillity of the surrounding area.
20. For these reasons, I conclude that the proposed development would harm the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the SDNL nor protect and maintain the Undeveloped Coast or the Heritage Coast areas. Consequently, the proposal would conflict with Policies SPT12, DEV20, DEV23, DEV24 and DEV25 of the JLP, which collectively seek, in part, to ensure that development meets good standards of design, conserves and enhances the landscape and seascape character, prevents damaging or inappropriate development within protected landscapes and avoids detrimental effects on the Undeveloped Coast and Heritage Coast. The proposal would also conflict with the good design and environmental protection policies of the Framework.

Highway safety

21. The A379 passes the southern boundary of the site and the vehicular access for the proposed dwelling would be constructed off this road using the existing field entrance. The site is a relatively straight section of the road that carries a 60mph speed limit. However, it is close to the beginning of the 30mph speed limit that runs through the village. As such, there is the potential for vehicles to be slowing when approaching the village and travelling at a slower speed than 60mph when leaving the village in the opposite direction.
22. The southern boundary currently consists of a post and rail fence to the west of the existing access and a wall to the east of the access. The fence boundary does not follow the road edge and there is therefore an element of visibility in that direction. The wall, however, runs parallel with the road and there is therefore limited visibility in that direction.

23. As the plans do not show visibility splays, sufficient visibility in both directions has not been demonstrated, nor has it been explained whether the land included in the required splays is within the control of the appellant or within the extent of the public highway. I cannot therefore be confident that highway safety would be maintained. The access details could be required by a planning condition, but as the access forms a fundamental element of the proposal and the provision of visibility splays could lead to additional harm to the character and appearance of the area, I am not convinced that this matter can be addressed by a planning condition.
24. For these reasons, I conclude that the proposed development would have a harmful effect on highway safety. Consequently, the proposal would conflict with Policy DEV29 of the JLP, which seeks, in part, the provision of safe and satisfactory traffic movement and vehicular access to and within the site. The proposal would also conflict with the Framework, insofar as it seeks to ensure safe and suitable access to sites for all users and the prevention of unacceptable impacts on highway safety.

Carbon reduction

25. Policy DEV32 of the JLP identifies a need to deliver a low carbon future for the plan area and identifies several measures and provisions that should be included within new developments.
26. The appellant's planning application documents explain that an air source heat pump would be installed on site and there would be other energy saving features incorporated into the build, including the installation of an electric vehicle charging point in the garage. I concur with the appellant that solar and wind would be potentially inappropriate additions in the protected landscape.
27. As such, it has been demonstrated that the appellant has accepted the principle of meeting the low carbon requirements, where applicable, of Policy DEV32. Whilst no specific details of the renewable energy system are provided and the plans do indicate that an oil tank would be installed to serve the proposed dwelling, a suitably worded planning condition could be imposed to establish the details of a renewable energy system and whether further renewable energy features could be incorporated into the development to remove the need for an oil tank.
28. For these reasons, I conclude that the imposition of an appropriately worded condition would result in the proposal including appropriate measures to meet carbon reduction objectives. Consequently, the proposal would comply with Policy DEV32 of the JLP, for the reasons set out above. Additionally, the proposal would comply with the Plymouth and South West Devon Climate Emergency Planning Statement (November 2022), insofar as it expands on the aim of Policy DEV32 to achieve climate change mitigation, adaptation and resilience. The proposal would also comply with the Framework, insofar as it supports the transition to a low carbon future in a changing climate.

Other Matters

29. I am mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the site is in the setting of the Grade I listed Church of St Michael, which is a designated heritage asset with the highest significance. The significance and special interest of the church is

drawn, in part, from its age, its relevance to the historic evolution of the village and its role and function as a visual and social landmark.

30. The site also sits outside but affects the setting of the Stokenham Conservation Area (the CA). The CA encapsulates the historic core of Stokenham and includes the Grade I listed church. The remaining legibility of the origins of the village, the cohesive building groups and traditional materials, and the historic and architectural interest of key buildings such as the church and pub are important components that contribute to the significance and special interest of the CA as a whole.
31. Although the site is seen in the foreground of the church from some directions, the elevated position of the church and the sunken nature of the proposal means that the proposed development would not visually compete with the listed building's landscape primacy in the valley. It would also not be seen from within the CA or form a significant intrusion in the approach to the CA. Furthermore, the mature planting around the boundaries of the site with the edge of the village means that the proposal would not compromise the approach to the church and the appreciation of its setting, nor would it harm the integrity of the church and the CA that it sits within. I am therefore satisfied that the proposal would preserve the character and appearance of the Grade I listed church and the setting of the CA, and it would have a neutral impact on their significance and special interest.

Planning Balance

32. The proposal would make the contribution of a single dwelling towards the housing stock in the district. There would also be associated social and economic benefits for the local area through providing support to the local economy (including during the construction phase) and local community facilities. However, given the small scale of the proposed development these benefits would be limited.
33. Additionally, the appellant has put forward that the proposed dwelling would have the same position, form and appearance as the previously approved barn conversion, and this means that the conflict with the development plan is outweighed. In my judgement, the 2018 planning permission to convert the barn that previously occupied the site is a material consideration and therefore attracts weight in the planning balance. This is in line with the extracts of the appeal decisions provided by the appellant.
34. However, it is important to note that there is nothing before me to confirm that the 2018 permission was ever implemented and certainly with the loss of the barn, the permission has been lost. This means that the permission to convert the barn cannot be regarded as a material fallback position. Furthermore, that permission was granted prior to the adoption of the current development plan. These factors lessen the significance of the material consideration somewhat. Despite this, the Council have previously approved a similar scheme with the only material difference being that it was a conversion rather than a new build and the previously granted planning permission is therefore afforded moderate weight.
35. Weighing against the proposal is my finding that the proposal would conflict with the development plan and given that the planning policies that the proposal would conflict with are consistent with the Framework, I afford

significant weight to the adverse impacts of the scheme. Consequently, I find that the adverse impacts of the scheme arising from the unsuitable location of the site for residential development and the harm to the character and appearance of the area and highway safety would outweigh the Council previously granting permission for a similar scheme and the scheme's benefits.

Conclusion

36. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

K Reeves

INSPECTOR