



Appeal Decision

Site visit made on 6 January 2025

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/Q1153/W/24/3346884

Gulworthy Farm, Tavistock, Devon, PL19 8JQ.

- 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 Chalcraft against the decision of West Devon Borough Council (the LPA).
- The application reference is 2421/23/FUL.
- The development proposed is the conversion of a redundant traditional barn to a residential dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a unilateral undertaking (UU) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). This includes a planning obligation for a financial contribution towards the costs of mitigating the likely recreational impacts of the development upon the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA). However, the UU was not accompanied by a signed plan identifying the appeal site and confirmation of the Land Registry title, as specified in part B of the UU.
3. The appeal site lies within the Tamar Valley National Landscape¹ (NL) and within the setting of the Cornwall and West Devon Mining World Heritage Site (WHS)². The LPA has identified the appeal building as a non-designated heritage asset.

Main Issues

4. The three main issues are: firstly, whether the appeal site is a suitable location for a new dwelling, having particular regard to national³ and local⁴ planning policies for housing within the countryside; secondly, the effect upon the significance of heritage assets in particular, the appeal building and the setting of the WHS and; thirdly, whether the UU is complete and legally sound and the consequences for nature conservation interests/biodiversity within the SAC and SPA.

Reasons

5. Gulworthy Farm lies within the countryside. It is about 0.3 km from the hamlet of Gulworthy, approximately 3 km west of Tavistock and about 1.5 km north east of Gunnislake. The appeal site is adjacent to Gulworthy farmhouse and immediately

¹ The provisions of section 85 of the Countryside and Rights of Way Act 2000 (as amended) are engaged.

² The site is approximately 250 metres east of the boundary to the WHS.

³ The National Planning Policy Framework (the Framework), December 2024.

⁴ The development plan, which includes the Plymouth and South West Devon Joint Local Plan (LP).

alongside a former barn that is being adapted for use as a dwelling⁵. The site includes a traditional, single storey, 19th century stone and slate roof building⁶ with the remains of an attached blockwork garage. Part of the appeal building was damaged in a fire in 2021 and a replacement roof⁷ was constructed in 2023.

First Main Issue – Location of New Housing

6. As set out within the planning officer's report, the location of the appeal site, outside the confines of any recognisable settlement, requires the proposal to be assessed under the provisions of LP policy TTV26⁸. Part/clause 1 of this policy is aimed at avoiding isolated development within the countryside and only permitting such development in exceptional circumstances. This is broadly consistent with the provisions of the Framework.
7. Given the distances between the appeal site and the nearest settlements, the LPA has argued that, in the context of LP policy TTV26, the site is isolated and does not meet any of the exceptions provided for in TTV26.1. However, consistency in the decision-making process is important, not least for maintaining public confidence in the planning system.
8. I note that when the LPA considered the 2020 planning application to convert the barn alongside into a dwelling it found that proposal did not constitute isolated development within the countryside and LP policy TTV26.1 was not engaged⁹. Given the very close proximity¹⁰ of the appeal site to this neighbouring barn and its location within the same farm group, it would be illogical and wholly inconsistent to now find/reason that the appeal site is somehow isolated and should fall to be considered under LP policy TTV26.1.
9. However, even if I were to assess the proposal under TTV26.1, criteria (ii) and (v) allow development that would secure the long term future of a significant heritage asset, or protect or enhance the character of historic assets and their settings. The Framework also permits the re-use of redundant or disused buildings where development would enhance the immediate setting. It is unclear to me why the LPA did not find that the proposal would satisfy any of these provisions.
10. Under LP policy TTV26.2, development should, where appropriate, satisfy six criteria. I consider that it is appropriate to assess the proposal under criterion (ii). This relates to the re-use of traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.
11. From the information before me, including what I saw during my visit, the appeal building appears to be structurally sound. There is no cogent evidence to indicate otherwise and this does not appear to form any part of the LPA's case.
12. The natural stone walls and natural slate roof of the appeal building would be retained, together with some of the 'arrow slit' openings in the western elevation. The proposed infill of the former openings to the cart shed with horizontal timber

⁵ Planning permission was granted in 2022 to convert this traditional stone building into a dwelling (ref. 1551/20/FUL).

⁶ Whilst described as a barn by the appellant, it was probably a cart shed and stable to Gulworthy Farm.

⁷ Ref. 3901/21/AGR.

⁸ Whilst noting the provisions of the LP spatial strategy and settlement hierarchy, TTV26 is the most relevant and important development plan policy to the determination of this main issue.

⁹ Amongst other things, the officer's report at that time stated "Given the site's location and proximity to other existing agricultural buildings and occupied residential dwellings, the proposal is not considered to constitute isolated development."

¹⁰ The end gable walls of the buildings are within touching distance of one another.

boarding and modest sized windows would, on balance¹¹, respect the integrity of the building. The use of timber frames for the new doors and windows could be made a condition of an approval so as to safeguard the character and appearance of this traditional building.

13. Whilst the proposed terrace/raised patio would comprise an overtly domestic element, it would replace the remains of the modern and rather unsightly blockwork walls of the garage. The domestic curtilage would also be provided in space which already forms part of the residential curtilage to the farmhouse. It would not encroach into the surrounding countryside or erode the unspoilt qualities of the local area. The proposal accords with the provisions of LP policy TTV26.2(ii) and the objectives of the LPA's Barn Guide¹².
14. Residents accessing main services, such as shopping and healthcare facilities, would largely be dependent upon the use of a private motor vehicle. The proposed development would therefore be likely to increase the need to travel by motor vehicle. However, where, as in this instance, the proposal complies with LP policy TTV26, this increase in need to travel and the LPA's alleged conflict with LP policy DEV29 would not be a sound basis for withholding permission.
15. If a contrary approach was taken, much housing within the countryside, including that required to meet essential rural needs would be frustrated. I note that an increase in the need to travel was not found by the LPA in 2022 to be an impediment to granting planning permission for the new dwelling immediately alongside the appeal site. A consistent approach should be taken here.
16. I conclude on the first main issue that the appeal site is a suitable location for a new dwelling, having particular regard to national and local planning policies for housing within the countryside.

Second Main Issue - Heritage Assets

17. The significance of the appeal site building is derived primarily from its architectural and historic qualities. In particular, it is pleasing example of a 19th century former agricultural building that was built in the local vernacular and which remains an integral part of an historic farmstead within this part of west Devon.
18. The WHS is a designated heritage asset which covers a vast area (approximately 19,500 ha). It encompasses the 18th and early 19th century metalliferous mining features (mainly related to copper and tin mining) that can be found across much of Cornwall and parts of west Devon. The Statement of Outstanding Universal Value (OUV) includes reference to the remains of mines, engine houses, smallholdings, ports, harbours and industries allied to mining. These act as a prominent reminder of the contribution Cornwall and west Devon made to the Industrial Revolution. The WHS has a very extensive setting which includes countryside and settlements. There is nothing before me to indicate that the appeal site makes anything other than a neutral contribution to the setting and significance of this heritage asset.
19. Overall, the proposed development would comprise a sympathetic scheme of conversion and would secure a re-use and the long-term future of a non-designated heritage asset. The proposal would preserve the architectural and historic interest of the appeal building and would not intrude into the setting or

¹¹ The light coloured (Chinese) granite posts that have been installed are somewhat at odds with the integrity of the building.

¹² 'Traditional Farm Buildings. Their Adaptation and Re-use'.

harm the significance of the WHS. It would accord with LP policy DEV21 and the provisions of the Framework that are aimed at conserving and enhancing the historic environment.

20. I conclude on the second main issue that the proposed development would not harm the significance of any heritage asset.

Third Main Issue – The UU

21. The development plan and national planning policies recognise the importance of minimising the impacts on biodiversity. The appeal site lies within the 12.3 km Zone of Influence (Zoi) where new residential development would be likely to have a recreational impact upon the Tamar European Marine Site in particular, the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA¹³.
22. I consider that the appeal scheme, in combination with other development proposals (plans/projects) within the Zoi, could increase recreational pressures within the SAC and SPA and, without mitigation, would have a significant adverse effect upon biodiversity/nature conservation interests¹⁴ within these protected areas. This is recognised by the appellant wherein a financial contribution¹⁵ is intended as part of the UU to help fund the cost of necessary mitigation.
23. The UU would be necessary to make the development acceptable in planning terms. It would also be directly related to the development and fairly and reasonably related in scale and kind to the proposal. However, the absence of a 'red line' plan identifying the appeal site as part of the UU and confirmation of title renders the UU incomplete and legally unsound. In particular, the absence of this documentation would be likely to make the UU unenforceable. As a consequence, the financial contribution towards necessary mitigation in respect of the SAC and SPA would not be secured.
24. As set out in 'The Procedural Guide – Planning Appeals – England' appellants are required to provide evidence of title, which should normally be in the form of an up to date copy of entry or entries from the Land Registry. The appellant's agent has informed me that the title plan is not available but the matter "*is in hand*".
25. I recognise the appellant's intention to complete the UU and appreciate that the delay in providing the missing documentation may be attributable, in part, to the Land Registry's timescales. However, appeals must be determined as soon as possible and not delayed for the receipt of missing information.
26. The UU was submitted in August 2024. Whilst the appellant is recovering from major surgery, he has been professionally represented throughout and it should have been obvious to his agent that the UU was incomplete when it was submitted. The agent was also informed of the LPA's concerns on this matter on 6 January 2025. Further, unspecified delay in the determination of this appeal would run counter to the need to determine appeals promptly after the relevant event¹⁶.

¹³ I note that the Habitats Regulations Assessment of the LP concluded that the recreational impacts from new residential development, either alone or in combination with other plans or projects, would impact upon the integrity of the SAC and SPA. This principle is now widely accepted in determining planning applications and appeals.

¹⁴ These include salt meadows, estuaries, large shallow inlets and bays, mudflats, sandflats, reefs, sandbanks which, amongst other things, support overwintering populations of Little Egret and Avocet.

¹⁵ I understand that Natural England has agreed that mitigation from recreational disturbance caused by in combinations plans within the SAC and SPA can be met by contributions to a Strategic Management Plan.

¹⁶ An Inspector's site visit, hearing or inquiry.

27. I conclude on the third main issue that the UU is incomplete and legally unsound. As a consequence, the development, in combination with other plans and projects, would be likely to have a significant adverse effect (recreational impact) upon nature conservation interests/biodiversity within the SAC and SPA. The proposal would conflict with the provisions of LP policy SPT14 and the objectives of the Framework aimed at minimising the impacts on biodiversity. This weighs heavily against granting planning permission.

Other Matters

28. The proposed development would continue to be seen as part of a historic farmstead and would not detract from the scenic qualities or natural beauty of the NL. If anything, the removal of the remains of the modern concrete blockwork garage would, to a very limited extent, enhance the appearance of the appeal site.
29. The proposed planting of a native hedge along part of the western boundary of the site would also be beneficial. Securing the long-term future of this non-designated heritage asset would also help maintain the character of this part of the nationally important landscape.
30. The proposal would accord with the provisions of LP policy DEV25 and those of the Framework that are aimed at protecting designated landscapes. There would be no conflict with the objectives of the Tamar Valley AONB Management Plan.
31. The LPA found that the proposed dwelling would make a positive contribution towards addressing an imbalance in the provision of housing within the parish of Gulworthy and, in so doing, would accord with the provisions of LP policy DEV8. The development would also help to increase the choice and supply of housing within this part of west Devon. These matters weigh in favour of an approval.
32. The proposed development is very small-scale and entails the conversion of an historic building. The measures set out in the appellant's Carbon Reduction Statement are proportionate and accord with the objective of LP policy DEV32.
33. The appeal site lies within an area identified as a Flood Zone 1 (low risk of flooding) and surface water would be discharged via a storm water soakaway measuring approximately 11m x 5m x 1.2 m deep. My attention has not been drawn to any flooding issues. The proposal would be unlikely to increase the risk of flooding in or around the site.
34. I note from the submitted plans that foul water would be discharged to "*the existing over-sized septic tank*" and the system discharge is designed and constructed in accordance with British Standard BS6297:2007. I also note that the appellant owns the large field in which the septic tank is located.
35. The LPA's concern that insufficient information has been submitted regarding wastewater treatment facilities is somewhat inconsistent with the approach it took when determining the 2020 application to convert the building alongside. No details of foul drainage were submitted with that application and a condition was attached to the permission to address this. There is no cogent evidence to demonstrate why a similar approach should not be undertaken here.

Conclusion

36. Notwithstanding my findings in respect of the first two main issues and the 'other matters' above, this does not overcome or outweigh my findings in respect of the third main issue. Having regard to all other matters raised, I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector