



Appeal Decision

Site visit made on 1 April 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 June 2025

Appeal Ref: APP/J9497/D/24/3351639

Foxview (Road from Teign House Inn to Gidleys Turn), Christow, Devon EX6 7QB

- 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 R Westcott against the decision of Dartmoor National Park Authority.
 - The application Ref is 0546/23.
 - The development proposed is extension to dwelling with upgrading and re-roofing together with provision of disability footway.
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Decision

1. The appeal is allowed and planning permission is granted for extension to dwelling with upgrading and re-roofing together with provision of disability footway at Foxview (Road from Teign House Inn to Gidleys Turn), Christow, Devon EX6 7QB in accordance with the terms of the application, Ref 0546/23, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing number 23.1807/01 A ('as proposed elevations and plan') and the undated site location plan.
 - 2) Within three months of the date of this decision, full details of a biodiversity enhancement scheme that complies with Part 3 of Strategic Policy 2.3 of the Dartmoor Local Plan 2018-2036, and a timetable for its implementation, shall be submitted to the local planning authority for approval in writing. Thereafter, the approved biodiversity enhancement scheme shall be completed in accordance with the approved timetable and shall be maintained in perpetuity.
 - 3) 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 building 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 dwelling hereby permitted, and no windows or roof lights other than those expressly authorised by this permission shall be created, formed or installed.

Preliminary Matter

2. I saw at my site visit that the works the subject of this appeal had already been carried out with the exception of the disability footway.

Main Issues

3. The main issues in this appeal are the effect of the development on:
- the character and appearance of the host dwelling and the wider area including the distinctive qualities of Dartmoor National Park (NP);
 - whether the proposal would conflict with development plan policies relating to the mix and type of housing available in the NP; and
 - If harm is found, whether material considerations, including any fallback position justifies a decision otherwise than in accordance with the development plan.

Reasons

Character and appearance

4. The submitted plans show that the original dwelling was a single storey rectangular building under a pitched roof. I have no substantive evidence before me that it was a building of particular merit or exhibited features which were desirable to conserve.
5. The dwelling has been extended by 3.75m along its entire length resulting in a design which the Authority consider to be acceptable. With a new pitched roof over the whole of the building, the extension is not distinguishable from the original dwelling and therefore cannot reasonably be described as subservient. However, the result is a single storey rectangular building under a shallow pitched roof reflecting the shape and form of the original property.
6. The appeal site is located in a sheltered valley, identified as one of the special qualities of the NP. Whilst it is elevated above road level, the mature trees and hedging along the boundary mean that the dwelling is well screened. Nestled at the lowest point of a sloping field, the surrounding topography means that there are only glimpsed views of the south elevation from the road to Christow. From here, the building is seen in the context of other development such as the dwelling known as 'Foxgrove' and the buildings at Gidley's Meadow. The site is not highly visible nor located in an area which is devoid of development.
7. Taken together, the appeal development being of a modest scale and simple form does not have a harmful effect on the character and appearance of the wider area or the distinctive qualities of the NP, including the sheltered valley in which it is located. In reaching this view, I have had regard to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area¹. I find no conflict with Strategic Policies 1.1, 1.2, 1.5 and 1.6 of the Dartmoor Local Plan 2018-2036, adopted December 2021 (LP) which seek to deliver good design, reinforce the distinctive qualities of the area and further the statutory NP purposes.

Development plan policies on the mix and type of housing

8. The original dwelling on the appeal site had the benefit of a Certificate of Lawfulness for the use of the building as a dwelling house (CLU)². I also

¹ Section 11A (2) of the National Parks and Access to the Countryside Act 1949

² National Park Authority Ref: 0063/11 dated 4 April 2011

understand that a CLU was granted for a car port at the appeal site³. The substantive details of both of these are not before me.

9. Policy 3.7 of the LP states that extensions will not be permitted if the dwelling has become immune from enforcement action with the benefit of a CLU. The proposal therefore conflicts with Policy 3.7 of the LP in this respect.
10. At the time the CLU was granted, the building comprised accommodation incorporating one room for the kitchen, living and bed area with a separate shower room. This amounted to approximately 25.6 square metres of habitable floorspace. In circumstances where residential extensions are permitted, Policy 3.7 of the LP states that this should be no more than a 30% increase from the applicable technical housing standard (NDSS)⁴. The applicable NDSS for a studio for one person where it has a shower room is 37 sqm. The current dwelling has a habitable floor area of at least 85sqm and therefore exceeds a 30% increase by some way.
11. Therefore, the appeal development is contrary to Policy 3.7 of the LP which does not permit the extension of dwellings which benefit from a CLU and restricts residential extensions to no more than 30% of the applicable NDSS of the original dwelling.

Other considerations

12. The explanatory text to Policy 3.7 of the LP states that the NP's popularity as a place to live means that its affordability ratio of earnings to house prices is extremely high and that the stock of smaller and more affordable homes has reduced. Policy 3.7 therefore seeks to retain a mix of house sizes to support sustainable communities and a vibrant economy.
13. The appeal development exceeds the NDSS for a two-bedroom, three person single storey dwelling. That said, the NDSS are minimum standards. I saw on my site visit that the accommodation, comprising two bedrooms, a bathroom and an open plan living/dining/kitchen was comfortable yet modest.
14. The appellants say that in the event of the appeal being dismissed, there are two possible fallback positions. The first would be a reduction to the footprint of the building so that it would be no greater than a 30% increase in floorspace. However, I have nothing before me to indicate what impact this would have on the character and appearance of the building and there is no evidence before me that the Authority would find such a proposal acceptable. Accordingly, I am not persuaded that this represents a viable fallback option.
15. The second option would be returning the dwelling to its former size. Given that this is the appellants' only home, I consider this option to be a realistic fallback position.
16. The original dwelling was a small property with a floorspace which was well below the governments expected standards for habitable floorspace for studio accommodation. The fallback would not provide adequate living conditions for its occupiers and harm would arise from this. Consequently, the fallback position would cause greater harm to the living conditions of the occupiers, and this weighs heavily in favour of the appeal proposal in this instance.

³ National Park Authority Ref: 0246/11 dated 9 September 2011

⁴ Nationally Described Space Standard

17. Paragraph 3.8.11 of the LP acknowledges that the energy efficiency of the existing housing stock is very poor. I understand that the appellants have taken the opportunity of incorporating a Radon trap and high levels of insulation to the floor, walls and roof. This will undoubtedly have improved the standard of the accommodation provided on the appeal site.
18. The evidence indicates that the appellants have specific health needs that require accessible accommodation, and the proposal includes a disabled access path. The second bedroom would also provide accommodation for a carer if required. However, as the path had not been provided at the time of my visit and I have not been directed to any other adaptations which have been carried out, I have given this limited weight. I am advised that the appellants are local people and I note that a number of interested parties wrote in support of the proposal. However, there is nothing to ensure that the building is occupied only by local people and accordingly I have given this limited weight.
19. I understand that the appellants undertook the works to the building after receiving advice that they could do so without the need for planning permission. Whilst I have some sympathy with the position they now find themselves in, the Authority say that advice was provided that the property did not benefit from permitted development rights. I therefore give this limited weight.
20. Policy 3.7 of the LP does not explain why dwellings which have the benefit of a CLU cannot be extended. This limits the weight I give to the conflict with this part of the policy, in this particular instance. However, there would be an opportunity to prevent further expansion of the property by way of a condition removing permitted development rights for further extensions and alterations, in the event that the appeal was allowed.
21. Policy 2.7 of the LP relates to heritage assets and there is no evidence that it is applicable to the proposal before me.

Planning Balance

22. The appeal development has increased the habitable floorspace of a dwelling which has become immune from enforcement action with the benefit of a CLU. It also exceeds the LP requirement for a no greater than 30% increase in habitable floorspace from the applicable NDSS. The proposal is therefore contrary to Policy 3.7 of the LP.
23. The aim of Policy 3.7 is to retain a mix of house sizes to support sustainable communities and a vibrant economy. The original dwelling fell well short of Government expected standards in terms of minimum floorspaces. It was also of poor construction. For these reasons it would not provide a suitable standard of living accommodation for occupiers and would be a harmful fallback position in the event that the appeal is dismissed.
24. Although the appeal development now exceeds Government expected minimum standards, the accommodation provided is still modest. In this instance, the retention of this modest dwelling would not harmfully undermine the aim of the LP to retain a mix of house sizes. The opportunity has also been taken to ensure the property is well insulated thereby contributing towards improving the energy efficiency of Dartmoor's housing stock. Further expansion of the property could be prevented by the removal of permitted development rights.

25. The property has no harmful impact on the character and appearance of the area or the distinctive qualities of the NP.
26. On balance, the circumstances in this case indicate that the appeal should be determined other than in accordance with the development plan.

Conditions

27. I have had regard to the advice in the Planning Practice Guidance and the conditions provided by the Authority. I have undertaken minor editing where required in the interests of precision and clarity without changing their overall substance.
28. As the work has already been carried out, it is not necessary to attach the standard time condition. It is necessary to specify the approved plans in the interest of certainty. It is also necessary to ensure that a biodiversity action plan is secured as required by Strategic Policy 2.3 of the LP. It is not necessary to require that the flue is painted black as I saw that this has already been done.

Conclusion

29. The proposed development would not adhere to the development plan but material considerations in this particular instance indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal should succeed.

Alison Fish

INSPECTOR