



Appeal Decision

Site visit made on 29 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/W1145/D/25/3363924

Lower Hele Farm, The Granary, Lane From Hele Cross to Hele Farm, Bradworthy, Devon, EX22 7SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Tom and Christine Birmingham against the decision of Torridge District Council.
 - The application reference is 1/0702/2024/FUL.
 - The development proposed is proposed extension to provide a kitchen, dining and new principal bedroom and bath bringing the existing dwelling house up to modern living standards and a proposed new garage.
-

Decision

1. The appeal is allowed, and planning permission is granted for proposed extension to provide a kitchen, dining and new principal bedroom and bath bringing the existing dwelling house up to modern living standards and a proposed new garage at Lower Hele Farm, The Granary, Lane From Hele Cross to Hele Farm, Bradworthy, Devon, EX22 7SW accordance with application ref: 1/0702/2024/FUL and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: location plan (23017 PL104 P3), site plan (23017 PL102 P6), proposed elevations (23017 PL101 P6), and proposed floor plans (23017 PL100 P6);
 - 3) The external materials used within the development hereby permitted shall match those of the existing building unless where specifically stated within the application forms or as labelled on the approved plans. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 4) No new external lighting shall be installed on site, unless further details are submitted to and agreed in writing by the Local Planning Authority;
 - 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered throughout the construction period. The statement shall provide for the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, measures to control the

emission of dust and dirt during construction and a scheme for recycling/disposing of waste resulting from demolition and construction works.

6) Construction work shall not take place other than between 07:30 and 18:00 on Mondays to Fridays, Saturdays between 09:00 and 17:00 and at no time on Sundays or Bank Holidays.

Main Issue

2. The main issue is the impact of the proposal upon the scale and character of the host dwelling and surrounding properties.

Reasons

3. The appeal site is a residential unit which consists of a two storey semi-detached converted barn, a single storey annex building and multiple outbuildings. The site is located in the open countryside but is noted to be adjacent to neighbouring dwellings as well as standing within a cluster of barn conversions within a former farmstead. I note that throughout the application process the proposal has been amended and, in that regard, my determination of this appeal is based upon the plans upon which the Council made their final decision which are, for the avoidance of doubt, noted in the plan schedule within the decision notice itself.
4. There are several elements to the appeal proposal which would also involve the demolition of the existing conservatory and outbuildings to the south of the site. The Council's delegated report confirms that they have no objection to the removal of those buildings and the existing UPVC conservatory and that the basic principle of a residential extension is supported. Based upon the evidence before me, and my site visit, I have no reason to conclude differently on these matters as a starting point for consideration of the proposals.
5. I acknowledge the main dwelling did have an internal kitchen which was removed by the appellants to create an additional bedroom and that the kitchen now serving the host dwelling is located in the annex across the courtyard. Whilst this itself is not a determinative factor, as it was the appellant's decision to rearrange the accommodation as is currently set out, overall, I do find that the existing outbuildings are of poor quality and fail to positively contribute to the character and appearance of the area, and host dwelling itself, and that the existing UPVC conservatory is of no merit in the context of the host dwelling.
6. The Council's delegated report confirms that size, although a concern, is not the primary refusal reason (albeit scale is noted within the refusal reason itself) and that the primary objection, and basis for refusal, is to the design of the proposal in terms of the character and appearance of the existing dwelling and surrounding properties. At the time of my site visit I noted that the appeal site and neighbouring dwellings, many are noted to be barn conversions, are typically characterised by traditionally designed buildings which utilise traditional materials such as slate roofs, render and stone walls, and some elements of timber cladding. The Council note that there are agricultural buildings in proximity to the site which consist of metal sheet roofing, cladding, and timber, however, find that they are not seen collectively with the appeal site (are seen in the context of an agricultural setting).
7. The Council have (for clarity) referred to the three main elements of the proposal as building 1, 2 and 3 respectively. The first building is noted to be an immediate

extension off the host dwelling and would accommodate a kitchen, dining room, bathroom and laundry room which would be in the region of 12.1 metres in length, 5.2 metres in width with an overall height (to the ridge) in the region of 4.3 metres. This element is proposed to be of a flat roof where it adjoins the existing dwelling along with a gable roof element and solar panels on the east elevation. The second building would accommodate a main bedroom, dressing room and bathroom and be in the region of 5.2 metres in length, 6.25 metres in breadth with an overall height, to the ridge, of in the region of 4.8 metres with the building to be constructed with a hipped roof.

8. The two main living spaces would be connected with walkways to be constructed of glass walls and a flat roof. The third building would be a garage building which would be in the region of 6 metres in length, 7.3 metres in width and an overall height, (to the ridge) of in the region of 4.5 metres which would provide space for one vehicle with the building to be constructed of a gable end hipped roof. In terms of the materials the proposals seek to utilise natural slate, standing seam zinc sheeting and sarnafil single ply membrane roofs with the walls being constructed of a charred timber vertical cladding with anthracite grey aluminium windows and doors. The proposals are intended to be built on and connected by cantilever decking.
9. I note that the proposal, within the context of the appeal site, would be surrounded by dwellings which are typically of traditional construction and design. In order to access the appeal site, from the main access track, there is requirement to pass between two neighbouring dwellings before entering the central yard area of the appeal site itself. The proposals would be located off the south elevation of the host dwelling, to the rear of the site, with a notable set back from the access track which is shared and serves main properties within the wider site. Whilst the proposals would be visible, I find that such views would be limited, overall, to in passing along the track which I find would limit the impact of the proposals upon the appearance of the immediate area itself. Whilst there may be some, limited, visibility of the proposals from neighbouring properties I do not find that, in this case, that this would be sufficient to warrant refusal in its own right.
10. The proposed design would be of an extremely modern appearance in contrast to the host dwelling and immediately adjacent properties; however, I find that the proposal has been designed to result in three differing buildings with connected internal walkways constructed of glass walls which I find would to a large extent break up the bulk, scale and massing of the overall proposals in visual terms. The proposals, cumulatively, would be of notable scale but I am of the opinion that the proposed design, as is before me, would result in built form being broken up which would be consistent with the overall character being a general cluster of buildings which have been converted as a result of being a former farmstead.
11. Whilst I acknowledge that the immediate area, and buildings, around the appeal site is one which is generally traditional in terms of design and material reminiscent of the former farmstead in terms of design principles I find it in some cases it can be beneficial to create a juxtaposition between modern and original development. I do not find that the proposal would be harmful to the character and appearance of the host dwelling and surrounding properties as a result of its more modern approach. The proposed juxtaposition would result in the original building, and

farmstead setting, being clearly legible with the proposals presenting as a clearly modern addition to the host dwelling and wider site/immediate surroundings.

12. The proposal would, ultimately, consolidate the site through replacement of existing outbuildings and the conservatory to create a high quality, functional, family home. I acknowledge that the proposal would include an increased ridge height compared to the existing conservatory, however, this would still be clearly lower than the host dwelling itself. Whilst I note the Council's concern with regard to the roof and floor levels as a result of the cantilever decking, I find that the contrast between the existing and proposed to be an appropriate juxtaposition between old and new as previously set out within this decision letter above.
13. For the reasons set out I find that the proposed development is of form, scale and design which, albeit modern and of some visual contrast, is appropriate and sympathetic and would not result in a proposal that is visually intrusive or inappropriate with the scale and character of the host dwelling and surrounding properties. The proposal would be consistent with North Devon and Torridge Local Plan 2018 (LP) Policy ST04 which seeks to achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places, LP Policy DM04 which seeks to ensure that proposals are appropriate and sympathetic to setting and LP Policy DM25 which seeks to support residential extensions and ancillary development subject to the form, scale, setting and design of the proposal respecting existing development, its context, setting and surroundings.
14. The proposal would also be consistent with paragraph 131 of the National Planning Policy Framework 2024 (the Framework) which, which seeks to create high quality, beautiful and sustainable buildings and places as being fundamental to what the planning and development process should achieve, paragraph 135 c) which seeks to ensure that developments are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change and paragraph 139 which supports that significant weight should be given to innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Other Matters

15. I note that there are several objections to the appeal proposal. I have dealt with matters relating to scale and design within the main issue of this decision letter as outlined above. The access to the appeal site is not owned by the appellant's, however, it is understood that the appellant's have a right of access over the access track in question and any ongoing issues or maintenance of that track would be a private matter outside the scope of this appeal. Concern was raised as to the boundary lines of the proposals; however, the Council confirm that this has been dealt with and that amendments to the proposals have been made to rectify this. I do not, therefore, have evidence before me to suggest that based upon the plans the Council made their determination that the plans are now inaccurate in relation to boundary lines.
16. One of the existing outbuildings was previously used as a garage, however, is no longer fit for purpose as seen at the time of my site visit. The erection of a new garage would, however, increase the number of covered parking spaces on site and, overall, the appeal site would remain as a single residential dwelling and

would not therefore significantly increase the demand for parking within the site. The proposal includes the erection of a single car garage with the plans demonstrating that the site can accommodate parking and turning spaces for two cars within the site which I consider appropriate for the residential unit.

17. Concern is noted to have been raised regarding the impact and logistics of construction vehicles entering the site via the access track and the potential for this to be difficult due to the potential modular construction and foundations required for the proposal. The proposal would also require construction traffic to pass in relatively close proximity to neighbouring property/property boundaries, however, this itself would not be a reason for refusal given that the construction period for a domestic extension would ultimately be a short-term disturbance in the context of the lifetime of the finished development. A construction management plan can be requested, by condition, to ensure that construction works are appropriately managed during this period.
18. The proposed plans do include large areas of glazing, however, whilst there would be a large area of glazing on the east elevation of proposed building one, there would only be two smaller windows to the north elevation of the proposed buildings. There is an existing conservatory on site which, comparatively, is a significant volume of glazing and taking into account the existing position, and site setting, I do not find that the proposal would exacerbate any potential light pollution or privacy, and that external lighting could be controlled by condition.
19. Concerns have been raised regarding the impact of the proposal on wildlife due to pruning and felling of trees and, for the reasons set out within the delegated report, the Council have considered that following their site visit and a wildlife trigger list that an ecological appraisal was not required. I have no reason to conclude differently on this and an arboricultural impact assessment and plan was submitted as part of the application documentation clearly detailing any required tree removal, and the reasoning for that removal, with the Council confirming that this information was both sufficient and acceptable for the trees detailed in the plans to be removed. Based upon the evidence before me I have no reason to conclude differently and, additionally, the trees have no protection orders on them and therefore express permission is not required to remove them. The proposal is submitted and determined as, a householder application which is exempt from mandatory Biodiversity Net Gain legislation.
20. Matters relating to statements that the appellant's have a motor cross track, or existing lighting or security cameras are outside the scope of this appeal and not included within the proposal as a matter which requires consideration. Any permission granted would be subject to a plan condition requiring the development to be carried out in accordance with the details and plans submitted.
21. Any further development, in the future, would require subsequent applications for planning permission and concern that the cover over the proposed decking would result in future extensions cannot, therefore, be validly utilised against the proposal in its current format. Proposals should be considered on the basis upon which they are submitted. Comment has been made with regard to water supply/pressure, however this is not a matter for the planning system to resolve and South West Water, as a consultee, have provided no comments in relation to the water supply meaning that this, overall, would be an issue for the appellants to overcome.

Conditions

22. The Council have suggested five conditions in the event this appeal is allowed. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. I have added a materials condition to ensure an appropriate finish in accordance with the details submitted to ensure a high quality and appropriate finish.
23. A lighting condition is required, relating to new external lighting, to ensure that any further lighting is constructed and installed in accordance with details which are submitted to and agreed in the interest of residential amenity and ecology. A construction method statement is required to be submitted and approved by the Council in order to protect residential amenity, and highway safety, with a condition requiring construction works not to take place other than between the specified times in order to protect the amenities of neighbouring properties during this period.

Conclusion

24. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR