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## Appeal Decision

Site visit made on 20 May 2025

**by J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> July 2025

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### **Appeal Ref: APP/J9497/W/24/3354983**

### **Barn Opposite Meavy Barton, Meavy, Yelverton, Devon PL20 6PJ**

- 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 Joseph Van der Steen of O'Brien Van der Steen Workshops Ltd against the decision of Dartmoor National Park Authority.
  - The application Ref is 0058/24.
  - The development proposed is the change of use and conversion of a redundant agricultural barn to two bed residential unit and associated works.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The sites are in the Meavy Conservation Area and near to the listed Church of St Peter, Mill Cottage, Meavy Barton, and one of its farm buildings and its pigsties (grade I, II, II\*, II and II respectively). As required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) special regard has been paid to the desirability of preserving a listed building or its setting, and of preserving or enhancing the character or appearance of a conservation area.
3. There is disagreement between the parties as to whether the barn is curtilage listed to Meavy Barton or a Non-Designated Heritage Asset (NDHA). Although the Authority's conservation officer considers the building to be curtilage listed, the Authority's appeal statement explains that the building is not referred to in the Historic Environment Record as either a designated or undesignated heritage asset. No listed building consent appeal has been submitted for consideration, and the appellant has pointed out that the Authority did not request a listed building consent application. As the appellant is appealing against the refusal of planning permission the appeal has been considered on that basis.
4. As to whether the barn is curtilage listed, it is within the ownership of those who own Meavy Barton, and historic maps of the area show that the building existed before 1<sup>st</sup> July 1948. The historic core of the barn has a legible agricultural form and appearance, and it is positioned close to Meavy Barton and its farmstead. Although the barn would have been part of the historic uses of land associated with Meavy Barton, it is separated from both the house and farmstead by the road, and it has a direct physical and functional relationship to the meadow rather than to the house and farm buildings. For these reasons the building is within the setting of Meavy Barton and its listed farm buildings, but is not considered to be curtilage listed.

5. The Meavy Conservation Area Character Appraisal (2011) identifies the barn as being a historic building with modern alterations. Although the appellant considers the barn to be an NDHA, the identification of NDHAs is undertaken by the local planning authority or plan-making body. The Planning Practice Guidance advises that NDHAs can be identified through a number of processes, including as part of the decision making process on planning applications. However, in this case the Authority has made it clear that the barn is not an NDHA, and the appeal has been considered on that basis.
6. Opposite Mill Cottage is a mill leat and associated catch meadow, with the former linking into the river. There is no disagreement between the parties that these are NDHAs, and the appeal has been considered on that basis.
7. The sites are within the Dartmoor National Park (NP). As required by Section 245 of the Levelling-up and Regeneration Act 2023, special regard has been paid to seeking to further the statutory purposes of the NP, that include to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
8. The original application form described the sites address as being “Meavy Barton, road from lower Meavy Bridge to Marchants Way”. The address cited above is that used on the Authority’s decision notice and that provided in the appellant’s appeal evidence. As this address more accurately describes the sites and was consistent with observations at the appeal inspection, it has been used above.

## **Main Issues**

9. The main issues in this case are:-
  - the effect of the scheme upon the character and appearance of the barn and upon the area, having particular regard to its location within the Dartmoor National Park, the effect upon the significance of a nearby Non-Designated Heritage Asset, and upon a veteran tree, and whether the scheme would preserve or enhance the character or appearance of the conservation area, and whether it would preserve the settings of nearby listed buildings;
  - whether the existing building would be suitable for conversion;
  - whether the scheme would be in a suitable location for residential development having regard to local and national policy; and
  - whether the scheme would result in an unacceptable flood risk, having regard to both river and surface water flooding.

## **Reasons**

### *Character and Appearance*

10. There are two discrete site areas that are the subject of the appeal. One area comprises a detached barn positioned within a field that is bounded to the north by the public highway and to the south by the River Meavy. The other area is to the western side of this field and seeks a new access onto the highway.
11. There are fields and paddocks to either side of the appeal sites and beyond the River, whilst to the northern side of the road there is a loose scatter of houses and associated outbuildings. The barn forms part of the retaining structure to support the highway and is constructed from a mix of local stone and concrete block walls

under a mostly corrugated tin roof. The associated field slopes steeply down to the River Meavy's floodplain, and along the banks of the river there is a row of mostly deciduous trees.

12. *National Park.* Both sites are within the Dartmoor National Park being within the fringes that are found below the moorland. The River Meavy and its valley dominates the area, with the interplay of farmland and woodlands creating a verdant tapestry, and one that is enhanced by the enclosure of fields and lanes within Devon banks. Meavy is one of several historic settlements that are dotted around the moor, being positioned below the harsh extremes of climate and topography that define the moorland. The village has a remote, tranquil nature, and one where the landscape and its uses rather than the built form dominates. The small size of the village with its cluster of historic properties that respond to the topography and river, along with the repeated use of local stone for the buildings and walls, are all features of the NP, and ones that contribute to its landscape and scenic beauty.
13. *Conservation Area.* The landscape has defined the village as it has an essentially linear form above the river and its meadows. The modest vernacular styles of the cottages and agricultural buildings that often front the highway, contrasts strongly with the principal buildings of the village that are clustered near to the village green. The repeated use of local stone in the buildings and walls gives an attractive visual identity to the village, as do the cobbled pavements. The presence of Devon banks and the walls of buildings and garden boundaries creates a distinct enclosure and definition to the public and private realms, as well as emphasising the physical, social and functional importance of the openness of the village green. The Devon banks and their associated trees also bring a verdant rural appearance to the village. These features all contribute to the character and appearance of the conservation area.
14. *Listed Buildings and NDHAs.* Near to the barn and to the northern side of the road and village green is a linear group of listed buildings that contribute to the significance of the conservation area. The church, Meavy Barton, and Mill Cottage form a group that have important social and functional rolls within the village and they are dominant buildings within the area, with the latter two groups having a functional dependence upon the surrounding land and the river. The church forms an important focal point as its tower is visible from higher land and from several approaches into the village. This wide-ranging eye-catching prominence is part of the special interest of this listed building, reflecting its community and social importance, as well as being an integral part of its expansive setting.
15. Next to the church is Meavy Barton, and the high-quality form and status of this former manor house, are part of the special interest of this listed building, as is its imposing presence. The house is a distinctive building within the village, and it has a close relationship with the land as emphasised by its nearby farm buildings, including those that are separately listed. The house and its farm buildings are an important group within the village, as reflected by their deliberate separation from the road and public realm behind high walls. The social, physical and functional linkages of these buildings with each other and with the surrounding land, and their imposing dominance within the village, which is experienced from a variety of public viewpoints, all form part of the setting of this group.

16. To the west of Meavy Barton is Mill Cottage, the mill and its associated outbuildings, and this group also has a close relationship to the surrounding land and to Meavy Barton. The former function of this group is evident in the surrounding landscape by the network of leats associated with the mill. Unlike many of the other houses within the village, the cottage is positioned perpendicular to the road, and this and its construction from local materials and distinctive roof form demonstrate the former status and importance of this building to the village, with its position rendering it visible within the surrounding area. In addition, the leat flowing from the mill forms a defined depression downhill to the river. The leat and associated catch meadow have been identified as NDHAs, a reflection of their historic roll and contribution to the mill complex and to the village.
17. Both individually and when taken together, this dominating cluster of historic buildings to the northern side of the lane have extensive, interlinked settings as a result of their elevated positioning above the river, and their physical, social, community, and functional linkages with each other and with the surrounding land. The barn, the meadows and the river form part of the settings to these listed buildings, as well as contributing to the character and appearance of the conservation area and the NP, forming not only a pastoral setting that emphasises the importance of these buildings, but one that evidences the functional linkages of the mill complex and Meavy Barton to the land.
18. *Assessment.* The barn has a functional, agricultural appearance, and despite its modest form and height, it can be seen from a number of viewpoints, such as from the river bridge and from the village green. The rubble stone walls, including those that form part of the boundary to the highway, along with the corrugated tin roof and cart doors, all contribute to the agricultural appearance of the building. There is a concrete block walled extension to one side, and this has a low-key functional appearance as a former workshop. The simple form of the barn and its positioning within the meadows to the southern side of the road makes a positive contribution to the special qualities of the NP and to the conservation area, and it has a discreet, functional appearance within the settings of the nearby listed buildings.
19. The proposed works would substantially alter the modest vernacular character and appearance of the barn, thereby harmfully eroding the contribution it makes to the NP and to the significance of the conservation area, as well as unacceptably intruding into the settings of the listed buildings. The converted building would have an overtly domestic appearance, and one that would be at striking odds with its pastoral context of meadows that are found between the river and the road. This harmful impact would be exaggerated by the absence of any other residential buildings to the south of the road beyond the village green, and this separation would render the dwelling, its garden and associated residential paraphernalia, particularly conspicuous.
20. The plan form of the existing building would be retained, but much of its southern stone wall would be removed and replaced with a curiously contrived wall under a loggia, neither of which reflect or accord with the simple form and functional appearance of the existing building. Within the walls that would be retained, some of the existing openings would be utilised, and a timber wall and window would be inserted instead of the cart doors. However, across the window would be the units of the kitchen, a detail which would fail to reflect the former functional opening of the barn and would also have a visibly domestic, awkward appearance.

21. The presence of a metal roof would reflect the utilitarian appearance of the existing building, but two large rooflights would be installed within the roof slope facing the highway. These would not only detract from the plain, functional appearance of the building, but they would result in considerable light bleed into the public realm. In addition, the southern elevation would be dominated by large, broad windows. Such windows would have little reference to the existing form of the building, as well as casting significant light spill, all of which would be to the detriment of the character and appearance of the area.
22. The presence of a long, continuous bank of solar panels upon the loggia roof would further exaggerate the conspicuous impact of the dwelling, particularly given that they face south and would have a shiny, reflective finish that would make them intrusively visible. In addition, the installation of an air source heat pump would introduce a background noise that would disturb the peaceful tranquillity that characterises the village.
23. The dwelling would have a generously sized garden that would extend down to the riverbank. The large size of the garden, the engineering works, and the resultant residential paraphernalia that would be associated with the use, would all drastically alter the character of the meadows below the road. The linkages of Meavy Barton and Mill Cottage with the land and the river would be lost, as would the pastoral contribution the field makes to the NP, to the conservation area, and to the settings of the listed buildings. The extensive levelling works and retaining walls that would be required to create parking spaces, a turning area, the driveway, and a terrace, would all be visible from the surrounding area, having an overtly engineered domestic appearance that would alter the topography of the meadows and thereby the relationship of the land to the river.
24. The introduction of large areas of hard surfacing and retaining features would erode the verdant agricultural nature of the site. The use of local stone and the provision of landscaping may over time soften the impact of the scheme, but landscaping cannot be relied upon to screen a development for its lifetime, and particularly so in this case given the attractive views that would be available to future occupiers.
25. Furthermore, the drive and the associated retaining walls would sever the line of the leat, thereby eroding its significance as a man-made, linear connection between the mill buildings, catch meadows, and the river. The leat would become two separate depressions rather than having the continuous functional connectivity with the mill and river that is part of the significance of this NDHA. Such works would also diminish the historic legacy evident within the landscape.
26. Close to the barn near to the existing gate is a veteran oak, a species that is locally distinctive in the moorland fringes. This particular tree is an impactful one, not just because of its height and broad, sweeping crown, and position close to the road, but because it is a single specimen that has an impressively aged appearance. It forms a leafy focal point, making a positive contribution to the verdant, historic, rural nature of the NP and of the conservation area. The importance of the tree is recognised within the appellant's Arboricultural Report on a Veteran Oak Tree (2023) as it is described as a fine old veteran, advising the construction of the drive using no-dig methods and the installation of a cellular confinement system with a porous surface.

27. Whilst the appellant considers to have received conflicting opinions from the Authority regarding the tree, works would be occurring close to the root protection area and some of the parking would be within it. There would be an impact upon the ongoing health and vitality of this veteran oak. In addition, the recommendations of the appellant's arboricultural report have not been followed, thereby compounding the harm.
28. The crown has grown unhindered out over the field, with large limbs sweeping close to the ground, and it cannot be assumed that future occupiers of the property would wish to have such an imposing tree close to their home, particularly as it would impact upon light levels and upon the use of the garden. Furthermore, part of the parking area would be under the canopy, and future occupiers would experience the ongoing nuisance of cars parked under a tree that would deposit large amounts of leaf and seed litter. Taken as a whole, the ambiguities surrounding the impact of the scheme upon the oak are such that conditions would not provide a level of certainty that the tree and the positive contribution it makes to the area would be unharmed by the scheme.
29. Whilst the appellant's Landscape Character Appraisal (2024) considers the low-lying nature of the sites and the abundance of trees would result in the scheme having no detrimental landscape impact within the wider area, the loss of the agricultural and pastoral character and appearance of the building and the meadows and the contribution they make to the area would be prominently visible in local views. In particular, there would be views of the scheme from Meavy Bridge and from the village green, and additional views would occur as a result of the creation of two new vehicular access points. These would disrupt the verdant continuity of the Devon bank that defines the road, resulting in it having a disjointed rather than continuous appearance. The access for the dwelling would have a legible residential appearance given its broad breadth and its illumination, as well as providing views of the residential uses and paraphernalia that would be associated with a dwelling.
30. The National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing the landscape and scenic beauty of NPs, and for the reasons given above the scheme would conflict with these objectives. The Framework also requires that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. The scheme would have a harmful impact upon the settings of nearby listed buildings and upon the character and appearance of the conservation area. These harms would be less than substantial as the impact would affect only part of the conservation area and the settings, although such harms would be of considerable importance and weight. Under such circumstances, the Framework advises that where development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
31. The appellant's Valuation Report (2023) considers there to be no other alternative uses for the building other than a residential one, with the scheme providing an optimum viable use. Even though Meavy Barton is no longer a working farm, it does not follow this prevents anyone else using the barn for non-residential uses that would cause less harm to the building, including an agricultural use. Future occupiers would live near to a variety of services and facilities, albeit there are only limited services within the village with a reliance upon the private car for many day-

to-day needs, thereby tempering the weight that can be afforded to such benefits. The appellant has also suggested the dwelling could provide for family use or be occupied by local people. The former would be a personal benefit for the appellant, and the latter would be a public benefit, but details of local need for such a home have not been provided, and in the absence of any means of securing such a use, the weight that can be attributed to this possibility is limited. The public benefits of the scheme would therefore be modest and would not outweigh the considerable harm to the conservation area and to the settings of the listed buildings.

32. For these reasons, the scheme would unacceptably harm the character and appearance of the building and the area. The changes to the barn, the new accesses, and the creation of a large garden would unacceptably urbanise the agricultural, pastoral setting to the listed buildings, detracting from their prominence and dominance, and in the case of the mill complex and Meavy Barton, destroying their connection with the meadows and river. The contribution the agricultural uses and the meadows make to the conservation area and to the NP would also be eroded. Such harms would be particularly strident given that the dwelling would appear discordantly set apart from any others along the southern side of the road, thereby exaggerating the intrusive impact of the scheme. There would also be the loss of significance of a nearby NDHA and unacceptable harm to a veteran tree, both of which contribute towards the qualities of the NP, including the historic landscape character and appearance.
33. The suggested conditions would not overcome these harms, and there would be conflict with the Act and with the Framework. There would also be conflict with Policies 1.1, 1.2, 1.5, 2.1, 2.6, 2.7 and 2.8 of the Dartmoor Local Plan (2021) (LP), and the requirements of these policies to seek, amongst other things, to conserve and enhance the natural beauty, cultural heritage, the Dartmoor landscape, local character, quality, and tranquillity of the NP, and that of the historic non-residential building, and that which should not introduce or increase light pollution and adverse impacts on dark night skies, and that which conserves and/or enhances heritage assets and their settings, giving great weight to the conservation of designated heritage assets.

### *Conversion*

34. In addition to requiring the conversion of redundant historic non-residential buildings in the countryside to conserve and enhance the character and appearance of the building, LP Policy 2.8 also requires that the building is structurally sound and capable of conversion without the need for reconstruction, excavation or alteration, and that the optimum viable use for the building is that which causes least harm to the asset's significance.
35. Whilst the appellant considers a residential conversion would be the optimum viable use for the building, no marketing evidence demonstrating that the property has been offered for rent, sale or lease for a range of less harmful uses, as required by LP Policy 2.8, has been provided. Irrespective of Meavy Barton no longer being a working farm, this does not exclude others from using the barn and meadows for non-residential purposes.
36. The appellant's Structural Inspection Report (2023) makes it clear that a variety of structural work would need to be undertaken to accommodate the conversion. In

addition to the demolition of the workshop section and the erection of the loggia, movement has occurred that would necessitate the re-building of the southwest gable and a new roof structure. The building would have to be underpinned, and this would include the wall adjacent to the highway which would also need supporting with a new retaining wall. In addition to these works, there would be the loss of fabric through the removal of the existing roof coverings, the removal of much of the south facing stone wall, and also the loss of and alteration of existing openings.

37. The totality and nature of the works would go far beyond the repair of a building that is structurally sound and capable of conversion. The demolition of the workshop would remove the historic layering of the building over time as well as substantially altering its character and appearance. There would be an imperative need to ensure the stability of the highway, and as the detail of these works has not been provided, conditioning them considering the potential danger to the public would not be appropriate. The extent and nature of the numerous works would fail to accord with the requirements of LP Policy 2.8.

### *Location*

38. In order to protect the nationally important special qualities of the NP, LP Policy 2.8 requires that new dwellings meet the needs of local communities. Where the conversion of a historic non-residential building into a dwelling in the countryside is proposed, this policy requires the provision of an affordable dwelling, a rural worker's home, or one where its occupation is restricted to a local person.
39. The original application stated the dwelling would be open market housing, albeit the appellant has explained the dwelling could provide accommodation for family members or for guests. However, this would not accord with the local needs requirements identified by LP Policy 2.8, particularly as no family members nor their need for living in the village have been detailed. No other local needs have been identified and no means to restrict the occupation of the dwelling to a local person has been provided. Meavy Barton is no longer a working farm and consequently there would be no requirement for the property to support a rural worker's dwelling.
40. As regards the provision of an affordable home this has also been discounted by the appellant as it would render the scheme unviable. In such cases a financial contribution should be provided in lieu along with the occupation of the dwelling being secured for a local person, neither of which have been undertaken in this instance.
41. As such the dwelling would fail to accord with the requirements of LP Policy 2.8, and also with those of the Framework that requires rural housing to be responsive to local needs.

### *Flooding*

42. The site is partially located in Flood Zones 2 and 3 of the River Meavy, with a medium to high probability of flooding respectively. The Framework requires that when determining any planning application, decision makers should ensure that flood risk is not increased elsewhere, and that applications which could affect

drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff.

43. One of the reasons for the refusal of the original application was the partial loss of the river's floodplain which would exacerbate flood risk. For the appeal, the appellant has provided details and a drawing of a compensatory flood storage area (Nijhuis letter dated 09/09/2024). The principle of this storage area is acceptable to the Environment Agency, subject to the provision and subsequent maintenance of this area for flood storage being a conditional requirement. Although this would address fluvial flood storage concerns, the reduction of land levels would result in more engineering works that would further erode the rural nature of the site and exaggerate its domestic appearance. As such the works would provide compensatory flood storage to the detriment of the character and appearance of the area.
44. In addition to fluvial flooding, there is evidence from a local resident that the village experiences surface water runoff flooding. The appellant's Flood Risk Assessment (2024) points out that the sites are within an area of very low surface water flooding, and that development would result in a betterment as surface water would be captured and drained via soakaways.
45. However, such measures rely upon an infiltration-based system, and if this is unviable, an attenuation tank with drainage into the river would be provided. Whether infiltration is a viable means of drainage has not been established, and this would be a concern given the extent of the hard landscaping areas and the engineering works that have been proposed, all of which would impact upon infiltration and surface water runoff. Even if a tank could be provided it has not been confirmed that the river could accommodate additional flow.
46. Given these uncertainties, it cannot be assumed that the proposed approach would be adequate to deal with surface water run-off and not cause flooding within the sites or to elsewhere. It follows that conditions would not provide sufficient certainty that the matter could be addressed. There would be conflict with the Framework, and also with LP Policies 1.2 and 2.5, as these require amongst other things, that development avoids an adverse impact upon flood risk, that it does not increase flood risk elsewhere, and allows for natural drainage of surface water.

## **Other Matters**

47. The appellant's Ecological Impact Assessment (2023) has ascertained that the barn is used as a bat roost, and the sites would be used for foraging bats and breeding birds. Dormice and otters are also likely to be present. The presence of protected species is a matter that should inform the nature of any scheme, with Circular 06/2005 – Biodiversity and Geological Conservation (the Circular) stating that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. From the above referenced ecological assessment, the scheme would impact upon protected species, both directly and indirectly, but as the appeal is being dismissed for other reasons this matter has not been pursued.

48. The appellant's concerns regarding the Authority's handling of the application and appeal relate to procedural matters and fall to be assessed by other means separate from the consideration of the appeal.

### **Conclusion**

49. The scheme would result in unacceptable harm to the NP, to the conservation area and to the settings of nearby listed buildings, and also to a veteran tree and to the significance of an NDHA. The location of a dwelling in a countryside position has not been justified in accordance with the requirements of local and national policy. The extent of the works to convert the building would go beyond repair and would harm the character and appearance of the building. There would also be unresolved drainage issues. There would be conflict with the development plan when considered as a whole, and there are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR