



Appeal Decision

Site visit made on 30 September 2025

by **J Hills MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/Q1153/W/25/3368902

Fairleigh Farm, Folly Gate, Devon EX20 3BA

- 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 Kirnig against the decision of West Devon Borough Council.
- The application Ref is 3354/24/FUL.
- The development proposed is conversion of an outbuilding to ancillary accommodation to the house.

Decision

1. The appeal is allowed and planning permission is granted for conversion of an outbuilding to ancillary accommodation to the house at Fairleigh Farm, Folly Gate EX20 3BA in accordance with the terms of the application, Ref 3354/24/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 2a; 3; and 4 dated February 2024; and 5 dated October 2024.
 - 3) Prior to the commencement of development, and notwithstanding the approved drawings, a detailed foul and surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the foul and surface water drainage scheme has been carried out in accordance with the approved details thereafter being maintained and retained in the approved form.
 - 4) The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the submitted ecology report.
 - 5) The development hereby permitted shall not be used other than as part of the dwelling known as Fairleigh Farm.

Applications for costs

2. The appellant has made an application for costs which is the subject of a separate decision.

Preliminary Matter

3. The appellant queries whether the Council should have progressed the application under householder development. However, it is not my role to comment on the Council's validation procedures. I am satisfied that a valid appeal has been made and have dealt with it accordingly.

Main Issues

4. The main issues are:

- (i) whether the development would give rise to the creation of a new dwelling, and if so, whether the site is a suitable location having regard to the provisions of local and national policy;
- (ii) the effect of the proposal on the heritage significance of the existing building;
- (iii) whether the site can be adequately drained; and
- (iv) the effect of the proposed development on carbon emissions.

Reasons

Accommodation

- 5. Policy DEV10 of the Plymouth & South West Devon Joint Local Plan (JLP) says, amongst other things, that residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.
- 6. Whilst not part of the development plan, the Council's Supplementary Planning Document provides useful guidance in respect of planning applications for residential annexes, advising that the level of dependence on the main dwelling will be considered by the Council. Such dependent factors include, but are not limited to: whether the outbuilding is sited within its garden; accessed via the main dwelling or its garden and not by means of an independent access; reliant on facilities and floorspace provided by the main dwelling; shares a garden or outdoor amenity space with no sub-division of land and is designed to easily allow the annexe to be used as an integral part of the main dwelling at a later date.
- 7. The appeal site comprises a generously sized detached 2 storey residential property and 2 smaller single storey outbuildings, all accessed by one entrance. The larger outbuilding of the 2, that is the subject of this appeal, has a principal elevation that fronts a shared courtyard parking area. It is about 8m from the host property, forming part of an intimately connected close-knit cluster. There is no dispute that the appeal building is within the garden of the host property.
- 8. In that context, the proposal would include a courtyard area next to its rear elevation, which would be within the confines of a partially removed extension. While the courtyard would not be excessively large, it would nevertheless provide some private outdoor space, adding a modest degree of separation from the host property. However, the main entrance to the accommodation would be via its frontage, facing the host property. Additionally, it is likely that future occupants would have easy access to parking, the other outbuilding, and wider gardens. Moreover, no boundary demarcation has been advanced. For these reasons, while not attached to one another, a close physical connection of space with the host property would be maintained by the proposal.
- 9. The scheme would include 2 en-suite bedrooms, a snug, storage spaces, and a living space that is shown to have a small sink unit. While covering a generous floorspace, the proposal makes use of an existing building, which dictates, to some

extent, its scale. Even so, the proposed kitchen unit is basic, and the bathrooms are very small. Although evidence in respect of possible familial relationship between occupiers is rather generic, the proposal is capable of being occupied as an annexe. Furthermore, the 2-storey host property remains much larger than the appeal building. As such, it would be likely to provide a more substantial family sized bathroom and kitchen, and larger overall living accommodation.

10. Future occupants would therefore be likely to share some of the space and facilities between both the host property and that in addition to it. Meals could be taken together and comings and goings between the two would not be unusual. Accordingly, the proposal would be read as part and parcel of the main dwellinghouse, with its primacy remaining intact.
11. In any case, a new dwelling has not been applied for. If the building is not converted or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. Additionally, the building would be at risk of enforcement action if such permission is not granted.
12. I therefore conclude on this main issue that the development would not give rise to the creation of a new dwelling. As such, there would be no conflict with JLP Policy DEV10.
13. Given my conclusions above, the Council accepts that in these circumstances, the alleged conflict with its locational policies set out in its second reason for refusal would fall away. I find no reason to disagree. It has therefore not been necessary to explore the suitability or otherwise of the reuse of a building in the countryside as a dwelling.

Heritage

14. Annex 2 of the National Planning Policy Framework (the Framework) identifies a heritage asset as 'a building identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority'. Whilst not a listed building, there is no dispute that the existing building is a non-designated heritage asset.
15. Paragraph 216 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. JLP Policy DEV21 sets out similar requirements. Amongst other things, JLP policies TTV26, DEV20, and DEV23 support well designed, enhancing development proposals that reinforce local distinctiveness through the use of heritage assets. These are consistent with Framework paragraphs 135 and 139.
16. The primary significance of the building as a heritage asset lies in its age as a traditional Devon barn associated with a farmhouse, both of which are largely intact.
17. The Council is concerned with the appearance and incorporation into the scheme of an extended part of the existing building. This was added to the original 1800's

building during the mid-20th century and forms a large lean-to extension attached to its rear. It is utilitarian in form and although it does not have particular architectural value, its rather unusual above eaves pitch has a certain haphazard and unassuming charm to it. This appearance has evidently been part of the overall building fabric for some considerable time. Its presence is not harmful.

18. It is agreed that the existing extension is large, though the scheme would remove the greater part of it to provide an open courtyard. The retained north elevation as shown on the plans would reduce the overall extent of openings, in accordance with guidance contained in the Council's Traditional Farm Buildings document. Although new openings would be introduced to the rear with some at differing heights, these would all have a vertical emphasis, following a consistent design theme. Furthermore, the removal of a large section of the lean-to would reveal more of the original building, albeit on its less significant elevation. Therefore, the overall effect of the new window openings would be neutral, thus preserving the heritage interest of the building.
19. In that context, the proposed frontage and most prominent elevation would make use of existing openings, retaining the building's historic appearance in a sensitive way. Moreover, the timber cladding and a small section of metal roofing would not be an uncommon choice of materials in this rural setting. They would continue to set the extension apart from the original building, maintaining its legibility. This, together with a new slate roof means that the proposal would have an enhancing effect on the historic character of the locally distinctive and characterful barn. This would align with the guidance contained within the Council's SPD and Historic England Advice Note 7.
20. I therefore conclude on this main issue that the proposal would not have a harmful effect on the heritage significance of the existing building. As such, there would be no conflict with JLP policies TTV26, DEV20, DEV21, and DEV23.

Drainage

21. The Council is concerned that insufficient information has been provided to ensure surface and foul water can be adequately drained. In respect of surface water runoff, the appellant asserts that the proposal would see a reduction, due to the removal of a large section of roof. Having paid regard to the drainage engineer's comments, the area in question is rather small and even if runoff rates were similar to the existing scenario, it is unlikely there would be any meaningful difference in the event the appeal were to be allowed.
22. Furthermore, the drainage field and land within the ownership of the appellant is very large and slopes gently away from the appeal building. Sustainable water management measures would be likely to be achievable in accordance with JLP policies DEV2 and DEV35, and paragraph 181 of the Framework. For these reasons, it would be appropriate in this instance to secure the details by way of a pre-commencement condition, as agreed by the appellant.
23. While the appellant has not demonstrated why a connection to the main drainage would be possible, they have proposed an agreed means of disposal. For similar reasons to those set out above, there is no firm evidence that a treatment tank would be ineffective in such a large field. In the absence of any compelling evidence to the contrary, this matter could be addressed using an appropriately

worded pre-commencement condition, as agreed by the appellant, to achieve the most appropriate sustainable drainage system.

24. I therefore conclude on this main issue that it is likely the site could be adequately drained. As such, there would be no conflict with JLP policies DEV2 or DEV35.

Carbon reduction

25. JLP Policy DEV32 says, in part, that the need to deliver a low carbon future should be considered in the design and implementation of all developments. Opportunities should be identified to minimise the use of natural resources by making use of existing buildings. The Council cites conflict with its Climate Emergency Planning Statement (CEPS) which adds detail to the advice in the JLP in meeting the challenge of climate change. A main objective of the CEPS is set out in CES01, which includes the prioritisation of retrofitting existing buildings and reuse of materials.
26. While not having the force of policy and having paid regard to the Town Farm appeal¹, the CEPS is nevertheless a material consideration. The aforementioned JLP policy and guidance is consistent with chapter 14 of the Framework, including paragraph 167, which says that significant weight should be given to energy efficiency and low carbon heating improvements to existing buildings.
27. In that context, I agree with the appellant that this conversion is inherently more sustainable than resorting to a new build. They add that the scheme will include insulation, renewable energy infrastructure, and energy efficient fittings. While specific details are lacking, there is little reason why these measures would not be implemented, particularly when converting an older building such as this. Given the scheme is for the conversion of a building, the mitigation in this case is already achieved and the requirement for more by way of a planning condition would not be necessary to make the development acceptable. Therefore, having paid regard to the Framework's support for the transition to net zero, the conversion of an existing building strongly aligns with the Council's own priorities. Furthermore, consideration for the need to deliver a low carbon future has been demonstrated.
28. I therefore conclude on this main issue that the development would achieve a low carbon design. As such, it would accord with JLP Policy DEV32.

Conditions

29. In the interests of certainty, I have included a plans condition. Rather than grouping biodiversity matters in as well, I have included a separate compliance condition relating to the submitted ecology report. In doing so, I have had regard to the Council's ecologist comments.
30. The description of development includes the word "ancillary." However, the evidence shows an intent for the building to be used as ordinary living accommodation, part and parcel of the host dwelling's normal facilities, which is different from "ancillary". Therefore, in the interests of clarity and certainty rather than for locational reasons, it is reasonably necessary to impose a planning condition that would secure the use for its intended purpose.

¹Appeal Ref: APP/Q1153/W/23/3334616

31. I have made some amendments and omissions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.

Conclusion

32. For the reasons given, the appeal is allowed.

J Hills

INSPECTOR