



Appeal Decision

Site visit made on 17 October 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/F9498/W/25/3359279

Middle Dean Farm, Trentishoe, Parracombe, Barnstaple EX31 4PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Virginia Kingshotte against the decision of Exmoor National Park Authority.
 - The application Ref is 62/62/24/001.
 - The application sought planning permission for 'proposed conversion of agricultural barn to form dwelling with full residential use together with the change of use of existing farmhouse dwelling to be used as holiday accommodation. As per amended plans and additional information 19.03.15' without complying with conditions attached to planning permission Ref 62/62/15/001, dated 27 March 2015.
 - The conditions in dispute are Nos 14 and 15 which state that:
Condition 14: Within one month of the completion or first occupation of the development hereby approved, whichever is the sooner, the building and curtilage shaded and outlined in blue on drawing number ENPA1 shall not be used otherwise than for the provision of short let holiday accommodation. The holiday letting unit shall not be occupied as a permanent dwelling and shall not be occupied by any person for a period exceeding 28 days in any calendar year. The owner or operator shall maintain a register of occupants for each calendar year. This shall be made available on request for inspection by any duly authorised officer of the Local Planning Authority.
Condition 15: The holiday letting unit hereby approved, shaded and outlined in blue on drawing number ENPA1, shall be operated in conjunction with the farm house, known as "Middle Dean Farm", shaded and outlined red on drawing number ENPA1, and the wider farm unit shown on the submitted plans and shall not be separated from that unit without the prior approval in writing of the Local Planning Authority.
 - The reasons given for the conditions are:
Condition 14: To ensure that the building is retained for holiday use in accordance with the terms of the permission.
Condition 15: To protect the amenities of nearby residents.
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Decision

1. The appeal is allowed and planning permission is granted for 'proposed conversion of agricultural barn to form dwelling with full residential use together with the change of use of existing farmhouse dwelling to be used as holiday accommodation. As per amended plans and additional information 19.03.15' at Middle Dean Farm, Trentishoe, Parracombe, Barnstaple EX31 4PJ in accordance with the application Ref 62/62/24/001, without compliance with condition numbers 1 to 16 previously imposed on planning permission Ref 62/62/15/001 dated 27 March 2015 but subject instead to the conditions at the attached Schedule at the end of this Decision.

Preliminary Matters

2. I have taken the address of the site from the appeal form, which better reflects the location than that used in the application form. I am satisfied that no party would be prejudiced as a result.
3. The appeal proposal is located within the Exmoor National Park, and so I have had regard to my duties under the National Parks and Access to the Countryside Act 1949, and the Environment Act 1995, as amended, to further the purposes for which the National Park has been designated. These include conserving and enhancing cultural heritage.
4. Since the decision of the Authority to refuse planning permission, a revised National Planning Policy Framework (the Framework) has been published. The main parties have had the opportunity to comment on this, and I have determined the appeal based on the current planning policy position.

Background and Main Issues

5. The site consists of a farmstead including a range of buildings, located within a small hamlet. As set out above, in 2015 planning permission was granted to convert an existing barn behind the original Middle Dean Farmhouse (the Farmhouse), to form a new dwelling, now known as The Dairy. As part of that permission, condition 14 was imposed preventing occupation of the Farmhouse other than for holiday purposes. Condition 15 further requires this holiday unit to be occupied in conjunction with the surrounding farmstead, including The Dairy.
6. The appellant now seeks to remove both conditions 14 and 15, to allow the farmhouse to revert to an unrestricted, separate dwelling, and that it should not have to be occupied in conjunction with The Dairy and the wider farmstead.
7. The main issues are:
 - whether the spatial strategy of the Authority means that it is necessary for the Farmhouse to be restricted in its occupation to holiday purposes, and
 - whether it is necessary, in the interests of the living conditions of the occupiers of the Farmhouse and The Dairy, with regard to privacy and outdoor space, to restrict occupation of the Farmhouse to be only in conjunction with the surrounding farmstead, including The Dairy.

Reasons

Spatial Strategy

8. The development approved in 2015 was justified partly because of the health needs of family members, for whom the Farmhouse was unsuitable. The creation of The Dairy was designed to help meet these needs, as well as being closer to working areas of the farm. The holiday use condition was imposed on the Farmhouse to ensure that there would be no net increase in new unrestricted dwellings. Some of these health needs no longer apply, and the holiday letting business is now said not to be viable, following a large increase in the number of rental units in the area, and increased costs.
9. Policy HC-DC13 of the Exmoor Local Plan (ELP), adopted July 2017, relates to the replacement of holiday occupancy conditions. It states that permission will be

granted where occupancy is limited to local persons in affordable housing need, or to meet the requirements of extended family accommodation. Policy RT-D4(4) relates to non-serviced holiday accommodation and makes similar requirements when this is no longer needed or viable. As a result, neither policy requires evidence that holiday use is no longer viable, but instead provides flexibility for the specified alternative uses.

10. In accordance with the Framework, ELP policies generally seek to meet the housing needs of local communities. More specifically, to ensure affordability in perpetuity, ELP Policy HC-S2 requires local need affordable housing and extended family dwellings to have a gross internal area of 93 square metres (sqm) or less. There is no dispute that the Farmhouse has a floorspace that significantly exceeds this amount, with five bedrooms providing accommodation for up to 11 people.
11. The supporting text¹ to policy RT-D4 recognises that some non-serviced accommodation units may be over 93sqm in size and used for local affordable needs, albeit requiring further controls. Even so, policy RT-D4 itself permits use as an extended family dwelling only in accordance with policy HC-DC13, which in turn requires compliance with policy HC-D5. This requires the size of extended family accommodation to be in accordance with policy HC-S2, and thus no larger than 93sqm. Consequently, given its size, use of the Farmhouse as an extended family dwelling would be incompatible with the ELP.
12. In respect of affordable housing, under policy HC-S2(7) an exception is made to the 93sqm limit, where the dwelling would be operated by a Registered Provider, and where there is a proven need for a larger dwelling. Nonetheless, the Authority does not argue that the Farmhouse would be suitable on this basis as a large, single dwelling. Instead, its position is that the Farmhouse (or alternatively The Dairy) could be divided into two dwellings as either affordable housing, holiday accommodation or a combination of the two.
13. However, whilst policy GP4 broadly encourages the efficient use of buildings, no policy has been drawn to my attention that actively requires an appellant to undertake alterations or subdivision works to a building, to achieve compliance. I have little evidence to suggest how these works might take place, or that they would be straightforward, as stated by the Authority, or viable.
14. Moreover, ELP paragraph 6.68 makes an exception to the 93sqm limit for the use of a converted building as affordable housing, but not where the building would be large enough to accommodate more than one dwelling, based on the Nationally Described Space Standard. The Authority accepts that the Farmhouse would have a floorspace large enough for two dwellings. As such, the exception at paragraph 6.68 does not apply. For these reasons, and given the unusual background to this case, I am not convinced that it would be reasonable to require the subdivision of the Farmhouse to provide affordable housing.
15. Use of the Farmhouse as a Principal Residence market dwelling has also been suggested. That said, under policy HC-S4, the site is not within an acceptable location for this type of accommodation, such as a Local Service Centre or Village. Accordingly, a condition limiting occupation as a Principal Residence would not be justified to ensure compliance with the ELP.

¹ Paragraph 8.42.

16. In the absence of any suitable alternative use, I conclude that the spatial strategy of the Authority means that it is no longer necessary for the Farmhouse to be restricted in its occupation to holiday purposes. On this basis, I find no conflict with ELP policies HC-S2, HC-D5, HC-D13 and RT-D4. In light of this conclusion, the proposal would also not conflict with ELP policy HC-S3, which provides the local occupancy criteria for affordable housing. As a result, I see no requirement for condition 14 to be retained.

Living Conditions

17. The Dairy is located close behind the rear boundary of the Farmhouse and its associated outside area, which is used for parking and as amenity space. The Dairy has a large number of windows on its elevation facing the Farmhouse. The relative site levels mean that these windows look down towards windows serving habitable rooms within the Farmhouse, and its rear outdoor area, at close proximity.
18. Windows serving bedrooms at the lower level of The Dairy are screened by existing fencing. The glazing of windows serving the main dining, living and kitchen areas of The Dairy have already been obscured to a certain height, helping to ensure a degree of privacy. Occupiers of these rooms have alternative outlook to the north.
19. However, the obscure glazed windows appear to be openable, meaning that some overlooking would still occur. Furthermore, an unobscured rooflight serving a mezzanine level within The Dairy provides views down into the rear windows and area of the Farmhouse. As such, there would remain some degree of mutual overlooking between the two properties, particularly given their close position.
20. That said, the relationship between the Farmhouse and The Dairy has now become established. There is no dispute that the scheme as originally granted resulted in mutual overlooking. Condition 15 sought to provide a measure of control by requiring the holiday use of the Farmhouse to be operated in conjunction with the new dwelling, and the wider farm unit.
21. Even so, it is difficult to see how such control would prevent overlooking from taking place. Those occupying the Farmhouse as holidaymakers would cause a loss of privacy to occupiers of The Dairy, and vice-versa, potentially to the same or a greater extent as occupiers of the Farmhouse as an unrestricted dwelling. Consequently, the proposal would not worsen the current situation, especially if mitigating conditions are imposed securing the long-term provision of the boundary fencing and obscure glazing.
22. In respect of outdoor space, I understand that no specific area was defined under the 2015 application for occupiers of the Farmhouse. Nevertheless, the application site includes land to the side of the Farmhouse which would provide a reasonable degree of private outside space for future occupiers of the property as a separate dwelling.
23. Consequently, for the reasons given above, it is not necessary, with regard to privacy and outdoor space, to restrict occupation of the Farmhouse to be only in conjunction with the surrounding farmstead, including The Dairy. Removal of condition 15 would therefore accord with ELP policies GP1 and CE-S6, which

require acceptable levels of amenity to surrounding properties and occupiers, as well as with the similar requirements of the Framework.

Conditions

24. Notwithstanding that conditions 14 and 15 were the subject of this appeal, the planning permission was subject to other conditions. Condition 1 required that development must begin no later than five years from the date of the permission. As the development has been built and is now established, this condition is no longer required. Condition 2 related to the plans approved. This remains necessary to define the consent, and I have reworded this condition to reflect the fact that development has been undertaken.
25. Conditions 3, 4 and 5 related to the approval of samples of roofing slates, timber boarding, and natural stone used in the development. As these have on-going requirements, I have imposed a condition requiring their retention, in the interest of the character and appearance of the area. Condition 6 required the implementation of a landscaping scheme. As this has no ongoing effects, I see no need for this condition to be retained.
26. Condition 7 made clear that enhancements for wildlife should be carried out and retained thereafter. I have re-imposed this condition, to ensure that the enhancement measures are kept in place. Condition 8 only sought that wildlife precautions were observed during development. I have little reason to believe that it made ongoing requirements, and so I see no need for the condition to be retained.
27. In the interests of the character and appearance of the area, I have reworded condition 9 to ensure that the doors, window frames and units are retained in timber. Condition 10 related to the installation of doors, windows and boarding with insets. As development has taken place, this condition is no longer necessary. Condition 11 required rainwater goods to be black and of specific materials, whilst condition 12 required conservation-type rooflights. In the interests of the character and appearance of the area, I have retained but reworded these conditions to reflect the as-built situation.
28. Condition 13 required The Dairy and its curtilage to only be used as a dwelling, to ensure compatibility with the surrounding land uses. However, bearing in mind the controls that already generally apply to changes of use, I see little reason why additional restrictions are necessary and so I have not re-imposed this condition.
29. Condition 16 requires planning permission for additions or extensions to The Dairy, any outbuildings within the area identified on drawing number ENPA1, or for any additional windows or openings. In the interests of the character and appearance of the building and the wider area, such a condition is necessary. I have reworded it to reflect current legislation.
30. To ensure a degree of privacy for the occupiers of both dwellings, a condition is necessary for the details of the obscure glazing at The Dairy, and of the screening boundary treatments, and their permanent retention. The Authority has suggested that a Principal Residence condition should be imposed. For the reasons I have already given, I have found that this would not be appropriate or necessary.

Conclusion

31. For the reasons given above, I have found that the disputed conditions 14 and 15 are not necessary and so should be deleted. I have also amended or deleted the other conditions as referred to above. The appeal is therefore allowed.

O Marigold

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted is that carried out in accordance with drawings 14/358/04 and 14/358/05 date stamped 2nd February 2015 and drawings 14/358/02 and ENPA1 date stamped on 19th March 2015.
- 2) The roofing slates, timber boarding, and natural stone used on The Dairy and previously approved by the Local Planning Authority in respect of conditions 3, 4 and 5 of planning permission 62/62/15/001 shall be retained for the lifetime of the development.
- 3) The enhancements for wildlife previously approved in respect of condition 7 of planning permission 62/62/15/001 shall be retained for the lifetime of the development.
- 4) The doors, window frames and units shown on the approved plans for The Dairy shall be retained in timber for the lifetime of the development.
- 5) Notwithstanding the details shown on the approved plans, the rainwater downpipes used for The Dairy shall be retained as black painted cast iron or aluminium and shall be permanently fixed directly to the walls without fascia boards for the lifetime of the development
- 6) The rooflights at The Dairy shall be retained as flush-fitting and of “conservation” design and materials. Any subsequent replacement rooflight shall be to the same specification and design.
- 7) 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 development permitted by virtue of Classes A to F of Part 1 of Schedule 2 to the Order, shall be undertaken.
- 8) Middle Dean Farmhouse shall not be occupied other than as a holiday let unit until details of the permanent obscure glazing of the south-facing windows (as opposed to rooflights) serving the kitchen and living room areas of The Dairy, and of the permanent boundary treatments between Middle Dean Farmhouse and The Dairy, have been submitted to and approved, in writing, by the Local Planning Authority, and the approved details installed. The approved obscure glazing and boundary treatments shall be retained thereafter.

End of Conditions