Appeal Decision

Site visit made on 23 July 2014

by J A B Gresty MA MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2014

Appeal Ref: APP/R3705/A/14/2217891

Gypsy Barn, Botts Green Hall Farm, Nether Whitacre, Warwickshire

B46 2NZ

- 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 Stephen Moore against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2013/0484, dated 1 October 2013, was refused by notice dated 4 December 2013.
- The development proposed is the conversion of a redundant barn to a single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. Firstly is whether the proposed development would constitute inappropriate development in the Green Belt and, secondly, is whether the proposed development would comply with current planning policies with regard to residential development in the countryside.

Reasons

Inappropriate Development

3. The appeal property is a brick built barn, dating from the nineteenth century, situated in open countryside within the Green Belt. The appeal proposal is for the conversion of the barn to a single dwelling. The National Planning Policy Framework (the Framework) indicates that re-use of buildings which are of a permanent and substantial construction is not inappropriate in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. In this case the proposal would be reuse of a permanent and substantial building.

4. Paragraph 80 of the Framework lists the five purposes of the Green Belt. The third purpose is to assist in safeguarding the countryside from encroachment. The proposed development would result in the introduction of a dwelling into an area of open countryside. However, the plans indicate that the domestic curtilage of the dwelling would be confined to the barn and the adjoining former crew yard. The domestic use would not extend beyond the walls of the existing development. Further, the garden and parking area for the dwelling would be in
an area enclosed by existing brick walls, preventing visual encroachment of domestic use into the surrounding countryside. In these respects the development would not be at odds with the purposes of the Green Belt.

5. Access to the new dwelling would be along the route of an existing track. Although the track is heavily rutted, it is a formal construction with concrete visible in places. Repair and improvement of the track to a standard suitable for everyday domestic use, including widening to 5 metres for a distance of 7.5 metres from the highway, would be possible without affecting the openness of the Green Belt and it would not alter the character of the track unduly. Therefore, I conclude that the proposed renovation and use of the access would not represent encroachment of development into the countryside and it would not conflict with the purposes of including land in the Green Belt.

6. The main dwelling would be formed within the existing barn and would not affect the openness of the Green Belt. Outside a garden and parking area would be formed within the walls of the former crew yard and open-fronted sheds. The plans indicate that a length of new boundary wall would be built on the southern side of the yard whilst part of the adjoining wall would be lowered in height to match the rest of the yard and a new opening would be formed in the east wall of the yard. Also, the roof of the single-storey store would be reinstated. Overall, the repair and alteration of the yard would result in no discernible net loss of openness of the Green Belt.

7. Although the parking area and garden would be hidden from wider view by the surrounding walls, residential use would result in the parking of cars and placing of domestic paraphernalia outside on a frequent and permanent basis which could affect the openness of the Green Belt. However, at the time of inspection there was a large trailer, bits of old equipment and rubble which had evidently been stored in the yard for many years. Overall, it is my view that the replacement of these old items by cars serving the dwelling and normal domestic items would not result in a loss of openness to the Green Belt.

8. For the above reasons, the proposed reuse of the existing buildings would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Therefore, I conclude the proposed development would not be inappropriate development in the Green Belt as defined by the Framework.

Development in the Countryside

9. Saved Policy ECON9 of the North Warwickshire Local Plan (LP) indicates that reuse of existing rural buildings will be permitted in certain circumstances. LP Policy ECON9 paragraph 1 (i) requires the building to have direct access to the rural distributor road network and to be accessible by a range of forms of transport from the nearest town. The development would use an existing access which leads directly to the highway and, therefore, it would comply with the requirement to have direct access to the rural distributor road network. However, the appeal site is in a relatively remote location and no evidence has been provided to indicate that it is reasonably accessible other than by private vehicle, failing to comply with LP Policy ECON 9 paragraph 1 (i).

10. The barn stands surrounded by sizable arable fields. It is a prominent feature which is visible in the landscape from a considerable distance. Even from
distance the barn is recognisable as a traditional agricultural building, adding positively to the rural character and appearance of the area. The building has remained unused for some time and, whilst the main barn appears in relatively good structural condition, there is a hole in the roof and it is clear that its condition will deteriorate if it is not repaired. Conversion to an alternative use would be a route to preserving the structure of the building and consequently maintaining its positive contribution to the landscape.

11. The building is not listed but is of an age and appearance to be considered as a heritage asset. In recognition of its historic interest, Warwickshire County Council Museum has recommended that a photographic record of the building is taken before the start of any development works. In this respect the building complies with the requirements for alternative use as outlined in LP Policy ECON9.

12. LP Policy ECON9 indicates that conversion to residential use should only be considered if it has been demonstrated that the building would be unsuitable for other non-residential uses. Whilst the proposed development would contribute to the provision of housing in the area, evidence has not been presented to demonstrate that the building could not be put to a suitable non-residential use. In this respect the appeal scheme fails to comply with the requirements of LP Policy ECON9.

13. Planning permission was granted for conversion of a barn at School Farm, Maxstoke, Ref: PA 2012/0060. The Council’s report regarding the proposal outlined poor demand for commercial premises in the Borough. However, the appellant has not provided substantial evidence to demonstrate that there is similar poor demand in the vicinity of the appeal site or that non-residential use would be unviable for the appeal building. Further, full details of the planning history of the approved scheme have not been provided so proper comparison with the appeal scheme is not possible. Therefore, I attach very limited weight to the planning permission, Ref: PA 2012/0060, in considering this case.

14. Paragraph 55 of the Framework indicates that new isolated homes in the countryside should be avoided unless there are special circumstances. These include where reuse of redundant or disused buildings would lead to enhancement of the immediate setting. Whilst the proposed development would retain the general appearance of the building in the wider landscape, the introduction of new windows and a flue would give the building a domestic character and appearance when viewed from close by. Alteration of the outer facing elevations of the barn would be limited, with no new openings in the gable end walls or the north facing wall of the building. However, new windows would be formed in both roof elevations and two plain, domestic appearing windows would be formed in the south elevation of the barn. The two large openings would be glazed. In combination with the works to the crew yard, it is inevitable that the converted building would have a domestic character and appearance when viewed from nearby. Whilst the development would tidy the property, it is not clear that the very domestic appearance of some of the proposed works would result in a significant enhancement of the immediate setting.
Other Matters

15. The appellant holds that the proposed development could be carried out as permitted development. This is disputed by the Council. There are alternative procedures for dealing with change of use of buildings as permitted development and I attach no weight to the matter in considering this appeal.

16. The proposed development would result in an additional dwelling which would provide a small contribution towards the housing supply in the district. However, the creation of just one new dwelling in this location carries only limited weight in favour of the development.

17. An application for conversion of the barn and outbuildings to a dwelling, Ref: 0798/90, was dismissed at appeal, Ref: T/APP/B3705/A/91/179087/P4. The Inspector in his decision dated 12 September 1991 was of the opinion that as a result of the conversion works, in particular the proposed fenestration of the converted barn, the development would result in such a change in character and appearance of the building that there would be significant harm to the character and appearance of the surrounding countryside. The drawings provided indicate that the 1991 scheme included considerably more alteration to the outer facing elevations of the barn than currently proposed and, consequently, the scheme provides a poor comparison to the current appeal proposals. Whilst the previous Inspector’s decision is a significant consideration, each proposal must be considered on its own merits and I attach only limited weight to the outcome of the previous appeal in this case.

Conclusions

18. At the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. It has not been demonstrated that the development would meet the requirements of development plan policies and the Framework with regard to new residential development in the countryside or that residential use is the only viable use of the building. Notwithstanding that the proposed conversion would enable retention of an interesting building which contributes positively to the wider landscape, it is unclear that the appeal scheme would represent sustainable development as sought by the Framework. Therefore, on balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty
INSPECTOR