Appeal Decision
Site visit made on 19 August 2014

by Andrew Dawe  BSc(Hons) MSc MPhil MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 December 2014

Appeal Ref: APP/G1630/A/14/2220384
Barn to north of Stow Road, Alderton, Gloucestershire
• 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 D Sherborne against the decision of Tewkesbury Borough Council.
• The application Ref 13/00583/FUL, dated 3 June 2013, was refused by notice dated 4 March 2014.
• The development proposed is conversion of existing barn to dwelling.

Decision
1. The appeal is dismissed.

Procedural matters
2. The appellant has notified the Council in accordance with the requirements set out in Class M of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 that the barn would be used as a Class B1 workshop from 1 September 2014. This would be carried out on the basis that the building could be fully completed in accordance with planning permission Ref 02/00905/FUL to enable this. Although the building appeared not to be in use for the purposes set out in the description of that planning permission, I am satisfied that if the appeal proposal was not carried out, there is every likelihood that such a use would occur.

3. It is claimed that a B1 use would generate more vehicle trips than the proposed dwelling, and so would result in at least the same if not greater use of the vehicle access onto the adjacent highway. However, I have insufficient substantive evidence before me to demonstrate that the number of trips would be significantly greater for a B1 use such that traffic and highway safety implications would be significantly worse. This limits the weight that I can attach to it as a fallback position in respect of my overall conclusions. Nevertheless, it is a significant material consideration in relation to highway safety and sustainable transport issues.

Main Issues
4. The main issues are:
   (i) whether or not the proposal would provide a suitable site for a dwelling, having regard to the principles of sustainable development;
   (ii) the effect of the proposed access on highway safety, with particular reference to visibility at the junction with the public highway.
Reasons

5. The site is located in open countryside adjacent to the B4077 and fairly close to, but separated by fields from, the village of Alderton to the north-east. It is within a Special Landscape Area which, in the area surrounding the site, is characterised by its gently undulating fields, with hedgerows and trees marking their boundaries, and with buildings located sporadically adjacent to the B4077. There is a dwelling to the west of the site and a sewage works beyond that.

6. The building on the site is currently a Dutch Barn in useable condition. The proposal would involve the removal of the existing cladding and roof material and the construction of new walls within the existing steel frame and new roof covering as well as strengthening and rebuilding the existing timber framed lean-to section.

7. Paragraph 14 of the National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development. It indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Sustainability of location

8. The barn is one of several isolated buildings in the countryside, in the vicinity, located outside of any residential development boundaries of defined settlements as set out in the Tewkesbury Borough Local Plan (the Local Plan). As such, Policy HOU4 of the Local Plan is relevant in this case whereby new residential development will only be permitted where such development, amongst other things, involves the acceptable conversion of an existing building.

9. This is consistent with Paragraph 55 of the Framework which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that isolated homes in the countryside should be avoided unless there are special circumstances. These circumstances include, amongst other things, situations where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting, or where the design of the dwelling would be of an exceptional quality or innovative nature.

10. Policies AGR6 and AGR7 of the Local Plan provide further qualification as to what would be considered an acceptable conversion. Amongst other things, the building must be of a permanent and substantial construction and must be capable of conversion without major or complete reconstruction, or without substantial alteration or extension to its original structure. Furthermore, the essential scale, form and character of the original building and as much of the original structure and essential features (internal and external) as possible, should be retained.

11. It is apparent that in order to provide a dwelling, substantial new construction work would be required including new walls, with foundations, new outer skin and roof material, and strengthening support, particularly with regard to the lean-to structure. I note that the appellant has provided a structural report which claims that the structural frame and form of the building could be retained without demolition or major repair, subject to strengthening and alterations to the lean-to element. Whilst I accept that the existing frame
could be retained, and that there is an existing slab, in all other respects the proposed dwelling would involve major new construction works in order to make it habitable. Whilst it would take on a similar form as the existing barn, it would therefore not represent an acceptable conversion, and instead would be tantamount to a new building, utilising the existing frame and slab.

12. Notwithstanding this, I have considered whether its design would be of exceptional quality or innovative nature such that it would significantly enhance its immediate setting. I have therefore had regard to whether there would be any benefit of the development to the local landscape when compared with the appearance of the existing barn, mindful of the fact that the site is located within a Special Landscape Area.

13. I acknowledge that the existing building is functional and does not have any particular visual merit. However, it is nevertheless a typical agricultural barn structure that is not unexpected in this immediate or wider agricultural rural setting. Furthermore, I saw that whilst it is currently visible from a small number of surrounding vantage points, these are either glimpses through hedgerows and trees, or more distant views where it is seen in the context of, and softened by, surrounding vegetation. It is therefore not a prominent or dominant feature of the landscape either.

14. The design, appearance, and use of materials, relating to the building would generally respect the Dutch Barn form and appearance, although the relatively small proposed window and door openings would detract from this to a degree. Nevertheless I acknowledge that there would be a degree of innovation involved in constructing the proposed dwelling. I also acknowledge the intention for new landscaping and tree planting, as well as the refurbishment of the existing pill box on the site. However, fundamentally, whilst I consider that the proposal would generally preserve the character and appearance of the immediate setting, I do not consider that it would amount to the significant enhancement to its immediate setting required by the Framework, given the circumstances of the existing building referred to above.

15. I acknowledge that the appellant refers to examples of other Dutch Barn conversions, however I do not have the full details or background to those cases to allow comparison. I have therefore applied little weight to those other cases and have determined this appeal on its merits based on the relevant policies and specific circumstances.

16. I have had regard to the isolated location of the site in terms of its remoteness from public services and facilities such as shops, schools, leisure and health facilities and lack of pavements linking the site to Alderton, and therefore the likely reliance on private motor vehicles. This would be contrary to Policy TPT1 of the Local Plan which states, amongst other things, that development will be permitted where provision is made for safe and convenient access to the development by pedestrians and cyclists; and an appropriate level of public transport service and infrastructure is available. However, I have also had regard to the potential fallback B1 use of the building whose occupiers and any customers would be likely to be equally reliant upon motor vehicles to get to and from the site due to its remoteness from any settlements. I therefore consider that the proposed development would not be significantly worse than the potential fallback B1 use in this respect.
17. I have found that the proposed development would be acceptable in terms of sustainable transport considerations. However, this factor would not be sufficient to overcome my conclusion on this issue that, for the reasons referred to above, the proposal would not provide a suitable site for a dwelling, having regard to the principles of sustainable development. As such, it would be contrary to Policies HOU 4, AGR6 and AGR7 of the Local Plan and Paragraph 55 of the Framework.

**Highway safety**

18. The proposed dwelling would result in the likelihood of an increased number of vehicle trips when combined with those associated with the remaining agricultural land surrounding the site, and would be reliant on the same existing access.

19. The B4077 has a speed limit of 60 mph and so has the potential for fairly fast moving traffic. I note that the visibility splays in either direction would be insufficient to meet the required standards and I saw this to be the case, particularly to the east where there is also a brow of a hill obscuring clear vision. Without the adequate visibility, an increased number of vehicle turning movements in and out of the site access would therefore present an increased risk to highway safety resulting from potential collisions.

20. However, I have taken into consideration the potential fallback B1 use, which would be likely to generate at least a similar amount of traffic as the proposed dwelling. I have therefore applied substantial weight to this scenario which would, in this case, justify my conclusion on this issue that the development would not pose an additional risk to highway safety, with particular reference to visibility at the junction with the public highway. As such it would accord with Policy TPT1 of the Local Plan which, in respect of this issue, states that development will be permitted where highway access can be provided to an appropriate standard which would not adversely affect the safety or satisfactory operation of the highway network.

**Other matters**

21. The appellant has highlighted that under Class MB of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, the change of use of the barn to a dwelling, and building operations reasonably necessary to convert it, would be permitted development. Whilst this is claimed to represent a fallback position, it is subject to the need for an application to determine whether the prior approval of the Council is required. Furthermore, I note that, in response to such an application by the appellant, the Council considered that it was required in respect of the transport and highway impacts of the development; whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling; and in relation to the design and external appearance of the building. I have not been made aware of the outcome of this process.

22. Notwithstanding my conclusions on the main issues, whether or not such prior approval should be granted is not a matter for me to determine in the context of this appeal made under section 78 of the Town and Country Planning Act 1990, which I have determined on its merits.
23. Although the appellant draws attention to the support received from neighbours in relation to the proposed development, I have determined this appeal on its planning merits taking into account all material considerations.

**Conclusion**

24. I have found that the proposed development would not pose a risk to highway safety taking into consideration the fallback scenario of a B1 use of the building, but would cause unacceptable harm in respect of its isolated location in the countryside. I have also had due regard to various appeal decisions referred to by the appellant.

25. I have had regard to all other matters raised, and also recognise that there would be economic and social benefits associated with the proposed house in terms of provision of needed housing, and that its construction could boost the local economy through short term construction jobs. However, the contribution that this single dwelling would make in these respects does not outweigh the harm identified above with regard to the unsustainable location.

26. As such it would not be the sustainable development for which there is a presumption in favour. In reaching this conclusion, and in light of the appellant’s claim that the Council can not identify a five year supply of deliverable housing land, I have borne in mind paragraphs 47-49 of the Framework and its guidance in paragraph 55 referred to above.

27. I therefore conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR