

Appeal Decision

Site visit made on 20 September 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 13TH October 2016

Appeal Ref: APP/C3620/W/16/3150385

Props Barn, Kingsland Farm, Kingsland, Newdigate, Surrey RH5 5DB

- 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 N Rogers against the decision of Mole Valley District Council.
 - The application Ref MO/2015/1437/PLA, dated 2 September 2015, was refused by notice dated 7 April 2016.
 - The development proposed is 'conversion of existing barn to form a single three bedroom dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing barn to form a single three bedroom dwelling at Props Barn, Kingsland Farm, Kingsland, Newdigate, Surrey RH5 5DB in accordance with the terms of the application MO/2015/1437/PLA, dated 2 September 2015, and subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

3. The Council's objection centres on its view that the alterations proposed would be out of keeping and would not harmonise with the character of the locality. The appeal site comprises an existing barn located to the rear of a cluster of residential properties, several of which are listed buildings. Located at the periphery of the village, the site and its surrounds are of a rural character.
 4. The existing barn is of a traditional and rustic appearance and comfortably assimilates into its rural surroundings. The conversion proposal would keep the main structure intact, the main external alterations being the insertion of new windows in the elevations and rear roof slope. Amended drawings were received during the Council's consideration of the application, deleting the previously proposed windows from the front roof slope and the higher level windows in the side elevations.
 5. Whilst the proposed external alterations would introduce a domestic element to the appearance of the barn, they would not amount to a radical alteration to its overall form and design. With the exception of the velux windows in the roof
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slope, which would not be prominent in views from outside the site due to the existing screening, the new windows are all proposed at ground floor level. The glazed panel and door in the front elevation would be behind the existing barn doors and, whilst concern is raised by the Council, I am not persuaded that the occupier would wish these to be permanently left open. There are also no additions to the size of the existing building and the proposal would essentially retain its existing simple and traditional appearance. The residential use of the barn would be likely to introduce garden furniture, related equipment and parking to the area within the curtilage, however located adjacent to existing residential properties this would not lead to any significant harm to the overall character or visual appearance of the locality.

6. I therefore find that the proposed development would not result in any unacceptable harm to the character and appearance of the area. It would comply with the relevant design aims of policy ENV22 of the Mole Valley Local Plan and the National Planning Policy Framework (the Framework).
7. Although not referred to in its reason for refusal, the Council's appeal statement raises concern regarding the proposal's effect upon the Green Belt. I note that the barn, when permitted in 2006, was for domestic storage and workshop purposes (with a restrictive condition imposed preventing uses other than ancillary to the main dwelling at Kingsland Farm). Nevertheless, the barn has been erected and in use for a considerable period of time. The proposals would not increase the footprint or size of the building and the Framework does not regard the re-use of an existing building, which is of permanent and substantial construction, as being inappropriate development provided it preserves the openness of the Green Belt as is the case with this proposal. I therefore find no harm in this regard.
8. Concern has been expressed that the existing barn is not ancillary to the host dwelling, in contravention of the planning condition. However, should this be the case, it would be a matter for the Local Planning Authority and does not alter my conclusion reached on the appeal proposal before me for a conversion of the existing building to a dwellinghouse.
9. I note that the proposal is outside of the core of the village, which has a limited range of facilities. Nevertheless, the proposal is located within a cluster of existing dwellings and, whilst local services are limited, it is within walking distance of them. Therefore, whilst it would be unlikely to rank highly in terms of sustainable locations within the district, for such a modest conversion development I only attach minimal weight to its rural location in this case. Whilst the Council states it has a five year housing supply, this does not prevent the granting of other residential developments that generally accord with the development plan and the Framework.
10. There are three Grade II listed buildings in the immediate vicinity of the site, these being the dwellings known as Hawthorn Tree Cottage, Kingsland Farm and Old Kingsland Cottage. There are no high level windows or roof lights proposed which would be visible from these properties. The proposal would largely maintain its simple traditional appearance when seen within the setting of these listed properties. Taking account of the relevant separation distances along with the modest nature of the conversion proposal, with no increase in the size of the building being proposed, I am satisfied that the development would preserve the setting of the listed buildings in the vicinity of the site.

Though the Council's Conservation Officer has raised concerns at the loss of garden area to provide for a visibility splay, the relevant condition requires it to be free of obstruction above 1m in height which should still allow for the retention of low level planting in the garden.

11. At my site visit I was able to assess the effect of the proposal upon the living conditions of neighbouring properties, including Hawthorn Tree Cottage and the Old Brewery. I consider that the relationship between the appeal proposal and these properties, including the relevant separation distances, would be such to prevent any unacceptable overlooking. Furthermore, the likely noise or traffic fumes arising from one new dwelling is unlikely to be such to cause any significant disturbance to neighbouring properties. In the case of the Old Brewery, the window in the east facing flank elevation would look towards part of the rear garden for this neighbouring property. Given the difference in ground levels, I consider that a condition to ensure the window is obscure glazed would prevent any unreasonable overlooking. I am not persuaded that future occupiers of the proposed development would wish to remove the existing screening between the appeal site and Hawthorn Tree Cottage and, even should this be the case, I do not consider that any unreasonable impacts to residential living conditions would result.
12. The proposed accommodation would offer reasonable room sizes for future occupants and, with garden space adjacent, I do not consider it to represent a cramped form of development.
13. I am satisfied that there would be sufficient space for cars to park and turn in association with the proposed development, and taking account of the likely low number of vehicle movements arising from the proposal, it would not result in any significant highway safety risk. Whilst not part of the appeal site, the appellant has control over the land edged blue in the plans and so the relevant requirements in the conditions would be able to be secured.
14. A unilateral undertaking has been provided with the application making provision for a contribution towards affordable housing. However, Government Planning Practice Guidance states that such contributions should not be sought for small scale development of 10 units or less. I have therefore not given the obligation any weight in my decision.

Conditions

15. An approved plans condition is necessary to provide certainty to what has been approved. Conditions requiring the approval of external materials, joinery and hard surfaces are necessary to ensure the satisfactory external appearance of the development, taking account of the site's location within the setting of listed buildings.
16. Details are necessary in order to ensure that sustainable means of drainage are provided. Conditions requiring the provision of vehicular access, parking and turning are necessary in order to safeguard highway safety and the free flow of traffic.
17. A condition removing permitted development rights including for extensions, roof extensions and outbuildings is necessary in order to safeguard the appearance of the building within the rural landscape, the setting of the listed buildings in the vicinity of the site and the living conditions of neighbouring

properties. The relationship of the building to other properties and the site's sensitive rural location within both the Green Belt and the setting of listed buildings provide the exceptional circumstances necessary for the imposition of such a condition. I have amalgamated the Council's three separate conditions into one in this regard for conciseness. Following consultation with the main parties, I have also imposed a condition requiring the flank elevation kitchen windows to be obscure glazed and fixed shut below 1.7m in order to prevent the overlooking of the adjacent garden area.

18. Whilst a Construction Transport Management Plan condition has been suggested by the Council, I do not consider it likely that the nature, extent and likely impacts arising from the construction works in this case are such to justify the necessity of such a condition. I have not included a condition on water consumption as the relevant policy quoted by the Council does not set out the need or justification for such a requirement in the context of the Planning Practice Guidance. I have also not included the Council's suggested requirement for the scheme to provide a 10% reduction in carbon emissions on site through decentralised and renewable or low carbon sources. This is imprecise due to there being no defined baseline from which to measure the reduction and it is not consistent with national policy set out in the Written Ministerial Statement of 25 March 2015 (WMS). As BREEAM is a technical standard, it can no longer be applied to housing as set out in the WMS and I have not therefore attached the condition suggested by the Council in this respect.
19. A condition restricting the eill height of roof light windows in the front elevation is not necessary as no such windows are proposed in the approved plans. I have also not included a condition regarding hours of construction as controls relating to construction nuisance are covered by separate environmental protection regulations and the proposal is not of such a magnitude to justify the imposition of particular construction controls upon the planning permission. Such a condition is therefore unnecessary in this instance.
20. I have made alterations to the wording of several of the conditions suggested by the Council and have joined some together for preciseness and clarity, but these do not alter the essence of the requirements sought by the conditions. Where conditions require the approval of details prior to commencement, these are necessary in this case given the nature of the proposed conversion scheme.

Conclusion

21. The proposal would provide for a new dwelling conversion which would not result in any unacceptable harm in relation to the character and appearance of the area or any other matter. From the evidence before me, I find that the proposal would accord with the development plan read as a whole.
22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Unless varied by other conditions of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans: NR11.11, NR/69, NR90, NR/104, NR/468.
3. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No development shall take place until details (including large scale section drawings) of all external joinery (including windows and doors) for the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. No development shall take place until details of all hard surfacing (including drainage details) to be provided within the site has been submitted to and approved in writing by the local planning authority. The hard surfaces shall be carried out in accordance with the approved details prior to the first occupation of the dwellinghouse.
6. No development shall take place until surface water drainage details have been submitted to and approved in writing by the local planning authority. The approved drainage scheme shall be implemented prior to the first occupation of the development.
7. The development hereby approved shall not be occupied until space has been laid out in accordance with the approved drawings for vehicles to park and to turn so that they may enter and leave the site in a forward gear. Thereafter the parking and turning areas provided shall be retained for the parking and turning of vehicles.
8. The development hereby approved shall not be occupied until the proposed modified access to Kingsland has been provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 1m above the road surface.
9. 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 (including any windows or glazed openings) described in Classes A, B, C or E of Part 1 of Schedule 2 of the 2015 Order, shall be carried out other than that approved by this planning permission.
10. The dwellinghouse hereby permitted shall not be occupied until the kitchen windows in the east elevation have been fitted with obscured glazing, and no part of those windows that are less than 1.7m above internal ground floor

level shall be capable of being opened. These windows shall thereafter be retained as such.