

Appeal Decision

Site visit made on 27 September 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 18th October 2016

Appeal Ref: APP/J3720/W/16/3150598

Southfield Farm, Compton Scorpion, Ilmington, Warwickshire CV36 4PJ

- 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 Rob Whorrod against the decision of Stratford on Avon District Council.
 - The application Ref 15/02487/FUL, dated 10 August 2015, was refused by notice dated 20 November 2015.
 - The development proposed is the change of use of land to residential, demolition of existing dutch barn and erection of a barn comprising a swim spa, plant room and mezzanine dance studio. The creation of two glazed links between buildings and conversion of an existing barn to comprise a fitness studio with changing area.
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Procedural Matter

1. Notwithstanding the description of development set out above, the proposal involves two distinct, and severable, elements. The first is the change of use of land to residential, the demolition of the existing dutch barn and the erection of a building comprising a swim spa, plant room and mezzanine dance studio and a glazed link. The second is the conversion of an existing barn to comprise a fitness studio with changing area and a glazed link to the converted barn.
2. Following the original submission of the application, the scheme was amended by omitting the swimming pool and pavilion building. The description in the banner heading above reflects this. Accordingly, I have determined the appeal on this basis. Whilst the plans submitted with the appeal refer to the omitted swimming pool and pavilion, I have not considered them in my assessment of the proposal.

Decision

3. The appeal is dismissed insofar as it relates to the change of use of land to residential, the demolition of the existing dutch barn and the erection of a building comprising a swim spa, plant room and mezzanine dance studio and a glazed link.
 4. The appeal is allowed insofar as it relates to the conversion of an existing barn to comprise a fitness studio with changing area and a glazed link to the converted barn at Southfield Farm, Compton Scorpion, Ilmington, Warwickshire CV36 4PJ in accordance with the terms of the application, Ref 15/02487/FUL, dated 10 August 2015, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
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- 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 the following approved plans: D21 B, D25 B, D26 A Rev.B and D26 D.
- 3) No development shall commence until samples and trade descriptions of the external facing and roofing materials to be used in the construction of the development 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 commence until a scheme for foul and surface water disposal has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first use of the development.

Application for costs

5. An application for costs was made by Mr Rob Whorrod against Stratford on Avon District Council. This application is the subject of a separate Decision.

Preliminary Matter

6. Listed building consent¹ has been granted for the original scheme, which includes the swimming pool and pavilion. However, this does not prejudice my consideration of the s78 appeal before me.
7. Following the Council's determination of the planning application, the Stratford on Avon District Core Strategy (CS) 2011-2031 has been adopted. As such, the policies within the Stratford on Avon Local Plan Review 1996-2011 no longer carry any weight. Accordingly, full weight is attributed to the policies within the CS.

Main Issue

8. The main issues are i) the effect of the proposal on the character and appearance of the open countryside, and ii) the effect of the proposal on the special architectural and historic interest of the listed buildings and their setting.

Reasons

Character and Appearance

9. The appeal site is located in the open countryside. The character of the area is typified by sporadic development surrounded by open fields that create a rural landscape. The high landscape quality of the area is recognised in its designation as a Special Landscape Area.
10. The existing dutch barn has a metal frame, metal sheet clad roof and is open on all four sides. The area of land in which it sits is currently used informally for the storage of building waste and materials and also contains a small timber boiler house that is attached to the north elevation of the converted barn.

¹ LPA Ref 15/02488/LBC

11. Vehicular access to the site that contains the dutch barn is via a separate track to the main building complex, leading off the narrow single lane. In addition to the vehicular access there are also two agricultural style gates providing access into the large field to the north and west of the site and a smaller field which abuts the east elevation of the converted barn. There is also a pedestrian access to the main courtyard via a timber gate set within a high stone wall that links the converted barn with the detached timber building.
12. Although the dutch barn is only a short distance from the building complex surrounding the courtyard, with the exception of the small boiler house, the other buildings do not have any openings on to the area of land in which it lies. They very much turn their back to this area, with their main aspect opening onto the courtyard. As a result, the dutch barn and the area of land in which it lies is very much read separately from the other buildings within the courtyard complex. Whilst the roof of the dutch barn is visible from the courtyard, its utilitarian agricultural form is clearly distinguishable from the more domesticated appearance of the other buildings.
13. The proposed replacement building would be solid in appearance compared to the open dutch barn which has a significant degree of visual permeability. As a result, the building would be more prominent in the landscape. This would be further exacerbated by the domesticated appearance of the building, mainly due to large expanse of glazing on the east elevation. In addition, the use of the land for domestic purposes would result in formal landscaping of the site, a boundary wall and, inevitably, domestic paraphernalia. This would be in marked contrast to the informal agricultural appearance of the site which visually is more closely related to the surrounding open countryside rather than the adjacent domestic setting. Whilst views of the site and building from the nearby lane would be limited due to natural screening, full views of it would be possible from the adjacent public right of way. I note the appellant's argument that a boundary wall would screen any domestic paraphernalia. However, the boundary wall itself would only serve to highlight the domestic appearance of the site. Notwithstanding the visual harm to public views, the domestic use of the land and the replacement building would result in an encroachment into the open countryside which would erode the intrinsic value and beauty of the countryside and its rural landscape.
14. The conversion of the existing timber barn to a fitness studio with changing area and a glazed link to the converted barn would be contained within the existing courtyard complex. The external alterations would be limited and would be sympathetic to the form and appearance of the existing buildings. As a result, I find that these elements of the proposal would not significantly harm the character and appearance of the open countryside.
15. I find therefore that the proposed replacement building and use of the land for domestic purposes would significantly harm the character and appearance of the area. As such, it would be contrary to Policies AS.10, CS.5, CS.9 and CS.20 of the CS, which seek to ensure that development minimises the impact on the character of the local landscape and reflects the character and distinctiveness of the locality. In addition, it would be contrary to CS.12 of the CS, which seeks to protect the Special Landscape Area from development that would have a harmful effect on its distinctive character and appearance.

Listed Building

16. The appeal property is a grade II listed C18th stone barn which has been converted into a dwelling. The barn adjoins the original C18th farmhouse, also grade II listed. The buildings front onto a large, landscaped courtyard area. In addition to the two main listed buildings, there are a number of other outbuildings surrounding the courtyard, including a timber detached outbuilding to the north and a small stone outbuilding to the west. Immediately to the north of these buildings is an enclosed area of land that accommodates the dutch barn.
17. The farmhouse itself largely remains unaltered from its original appearance and the conversion works to the barn have been sympathetic, retaining many of its original features and preserving its agricultural form. Overall, the buildings are fine examples of traditional Cotswold farm buildings.
18. The main access to the property is via a long, sweeping gated driveway. On entering the site, due to its substantial length, the converted barn is very much the dominate feature. Whilst the farmhouse is the tallest building within the complex, it nestles in the corner of the courtyard, flanked by the barn to the north and a smaller single storey addition to the west.
19. The alterations to the detached timber building would not have any significant effect on the external appearance of the building. Although the linked access between this building and the converted barn would result in the loss of the existing timber gate and stone wall, its glazed external appearance would retain the separation between the two buildings whilst also providing some visual permeability between the courtyard and the adjacent area of land.
20. Whilst the dutch barn has some traditional agricultural character in itself, it does not make any positive contribution to the setting of the listed buildings. Its replacement building would be of a similar height, although its footprint would be smaller. The use of red brick, which is found within the courtyard buildings, notably the farmhouse, and the use of a large area of glazing, similar to elements of the converted barn, would complement the existing palette of materials. The height of the building would also retain the existing roofscape of the building complex, which steps down from the farmhouse. Furthermore, whilst the building would be a more solid form of development than the open dutch barn, it would be largely well screened from the courtyard by the existing detached timber building.
21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. This is also reflected in paragraph 132 of the Framework.
22. I find therefore that the proposal would not significantly harm the special architectural interest of the listed buildings and their setting. As such, in respect of its effect on the existing buildings, it would comply with Policy CS.20(B) of the CS, which seeks to ensure extensions are of an appropriate scale and subservient in relation to the existing building.

Other Matters

23. I have had regard to the extensive planning history for the site, most notably the approval of a scheme for the change of use of the existing dutch barn to stables, which also included its partial enclosure, and the remainder of the site as a stable yard. Whilst the specific details of this permission are not before me, the use of land for equestrian use in the open countryside is common place and often retains its rural characteristics. I note the condition the appellant refers to regarding the equestrian use only being for purposes ancillary to the occupation of the dwelling house. However, this only relates to the use of the land for domestic stabling, not any other domestic use such as a garden.
24. I have also had regard to the permitted change of use of the paddock to the east of the barn. Whilst I do not have full details of the approved scheme, it would appear that it did not involve any physical works to facilitate its change of use. The current proposal does involve physical works and therefore, in this regard, I cannot draw a direct comparison between the two schemes. In any event, the granting of permission for the change of use of a parcel of land in the open countryside for domestic use does not set any precedent for any further similar proposals as to do so would undermine the local and national policy objective of protecting the intrinsic character and beauty of the countryside.

Conditions

25. In relation to that part of the proposal I find acceptable, a condition setting a time limit for the commencement of development is necessary in the interests of proper planning. For the avoidance of doubt and in the interests of proper planning a condition is attached clarifying the approved plans, so far as they are relevant to the part of the proposal that is permitted.
26. A condition relating to the external materials is also necessary, to ensure the satisfactory appearance of the development. In the interest of public health and flooding, a condition regarding drainage is necessary.
27. There is no evidence before me to suggest that there are any special circumstances to justify the removal of permitted development rights. Furthermore, I do not consider that a condition restricting the timber barn's use to ancillary accommodation is necessary.
28. It is essential that the requirements of conditions 3 and 4 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area and adequate drainage is provided.

Conclusion

29. For the reasons given above, having regard to all matters raised, the appeal is allowed in relation to the conversion of the existing barn to comprise a fitness studio with changing area and a glazed link to the converted barn. However, in relation to the remainder of the proposals, the appeal is dismissed.

Alexander Walker

INSPECTOR