
Appeal Decision

Site visit made on 18 October 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 25th October 2016

Appeal Ref: APP/Q3305/W/16/3154471

Redundant Hay Barn, Dark Lane, Upton Noble, Shepton Mallet BA4 6AT

- 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 Mark Gregson of GGA Gregson Will Trust against the decision of Mendip District Council.
 - The application Ref 2016/0693/FUL, dated 15 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is described as: "Conversion of a Redundant Agricultural Building to a C3 Residential Use comprising a 4 bedroomed dwelling with Detached Garaging in Rebuilt Former Piggery off an Existing Field Access".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's Conservation Officer has advised that the former piggery may be curtilage listed in association with Prospect Farmhouse. If this is the case, then an application for listed building consent would also be required. It is not for me to consider whether such consent is required and no application is before me for determination. Nonetheless, I have taken into account the relationship of the former piggery with the main part of Prospect Farmhouse in my determination of this appeal.
3. The appellant asserts that the internal work to the barn would be lawful as it would only affect the interior of the building and would not materially affect its external appearance. The internal works are likely to involve the erection of an internal secondary structure and foundations, in addition to forming a ground floor with blockwork partitions to support first floor timber joists, flooring and timber stud partitions. Whether or not this would amount to "development" as defined in Section 55 of the Town and Country Planning Act 1990 (the Act) is not a matter for me to determine in the context of an appeal made under Section 78 of the Act. Nevertheless, I am required to determine the appeal before me, and the internal works are intrinsic to the development proposed. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are: (i) whether the existing buildings are suitable for re-use without major or complete reconstruction and; (ii) whether the development would provide a suitable site for housing, having regard to proximity of services and its effect on the character/appearance of the countryside.
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Reasons

5. The appeal relates to a steel framed former hay barn and an adjoining remnant stone building which was historically used as a piggery. The buildings form a small farm complex with a concrete yard served by an existing access off Dark Lane. There are two grade II listed buildings located close to the appeal site, the main part of Prospect Farmhouse and Church Farmhouse, and the area is described by the Council as being of high archaeological interest.
6. The site lies on the edge of the small hamlet of Upton Noble and is outside of any defined settlement limit. The site is within the countryside for Development Plan purposes and therefore development is strictly controlled and only allowed in certain circumstances. Policy DP22 of the Local Plan¹ is supportive of schemes for the residential re-use or the conversion of rural buildings in the countryside subject to several criteria and provided the development would lead to an enhancement to the immediate setting. The Council's objection to the proposal relates specifically to the work necessary to convert the buildings which it considers fails to meet criterion 1(d) of Policy DP22, which resists major or complete reconstruction.
7. There is disagreement between the parties over whether the required works would amount to major reconstruction of the barn. The Structural Report² submitted with the application advises that the barn appears to be in a suitable structural condition to allow for conversion into a habitable dwelling. The Report states that the existing primary structure should be adequate to support the loads from any external works, although steel that has been below ground and not encased may require local repair. However, the report further advises that secondary structural elements, such as purlins and side rails, are unlikely to be strong enough to support the additional loads associated with the conversion. It is suggested that a free-standing secondary structure could be introduced to support such loads. Further investigation into the existing foundations is required and, if necessary, new secondary foundations could be introduced.
8. On the basis of the findings of the Structural Report, it is apparent that extensive works would be required to enable the conversion of the barn. These works are likely to include secondary structural elements and there may also be a need for secondary foundations. Furthermore, the proposal requires replacing all the walls and the roof with new cladding material which would contribute to the reconstruction works.
9. The appellant states that the replacement metal sheeted walling and roofing material to the barn would have been "permitted development" under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, this is irrelevant as both parties agree that the permitted development right does not apply and therefore the provisions of the GPDO are not applicable.
10. The appellant has suggested a planning condition and has supplied a construction method statement to give effect to a phased approach to the development. This would involve carrying out internal works within the existing structure of the barn before undertaking any external works. However, the

¹ Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (adopted 2014)

² Report on Visual Structural Inspection, Ref T370, dated 22 October 2015

suggested condition would not overcome the Council's concern as its objection is based on the secondary structural enhancements that are likely to be required to bring about the conversion, not the timing of such works.

11. I conclude on this issue that it has not been demonstrated that the barn is of permanent and substantially sound construction and that major reconstruction would not be required. In addition, it is clear from the application that the former piggery would be rebuilt, which amounts to complete reconstruction. Consequently, the development would be in conflict with Policy DP22 and must be considered against local and national policy that seeks to limit new residential development in the countryside.
12. To promote sustainable development, the National Planning Policy Framework (the Framework) requires that housing is located where it will enhance or maintain the viability of rural communities. New, isolated homes in the countryside should be resisted unless there are special circumstances, such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
13. Although the conversion may lead to an enhancement to the immediate setting, this must be balanced against the disadvantages of its isolated location. Whether a site is isolated will depend on its relationship to other properties, settlements and access to services and facilities. The site is on the edge of a small settlement, which has a school and some other limited facilities within walking distance. However, the local facilities are minimal and would not meet everyday needs. There is no evidence of a bus service and it is highly likely that future occupiers would be dependent on the car. Moreover, there is no evidence that the proposal would enhance or maintain the vitality of the communities or those future occupiers would support services in the settlement or in a nearby village.
14. The appellant asserts that the development would provide an opportunity for tree planting and biodiversity enhancements. The Council does not dispute this but these benefits do not outweigh the conflict with national and local planning policy.

Other Matters

15. The development would be close to designated heritage assets and is within an area of high archaeological interest. Church Farmhouse is an early 18th Century traditional farmhouse and is listed grade II. Prospect Farmhouse, also listed grade II, is dated 1797. The significance of both farmhouses can be attributed to their vernacular architectural style.
16. The barn is located to the east of the listed buildings and is a relatively large structure. However, it has the distinct character and appearance of an agricultural building that is not uncommon in a rural farm complex. The choice of materials seeks to retain the barn's appearance as an agricultural building. Similarly, the rebuilding of the piggery as garaging would be sensitive to its fabric and character in terms of scale and appearance.
17. The former piggery may well have an historic association with Prospect Farmhouse although the evidence that it forms a curtilage building is not conclusive. In any event, the Council's Conservation Officer is satisfied that the re-development of the piggery and conversion of the barn would not have a

detrimental impact on the setting of nearby designated heritage assets. I conclude therefore that the proposal would preserve the setting of the main part of Prospect Farm and Church Farm.

18. The archaeological significance of the area appears to derive from the field to the south of the site where there is a well preserved area of earthworks. The proposed building works are confined to the existing buildings, the yard and the access and are unlikely to affect the significance of the non-designated heritage asset.
19. Whilst bringing the former piggery back into use would be a benefit that would weigh in favour of the proposal, this does not overcome the harm set out above in relation to the countryside location of the development.

Conclusion

20. I conclude that it has not been demonstrated that the barn and the former piggery are of permanent and substantially sound construction and that the proposal would not require major or complete reconstruction. Consequently, the proposal would be contrary to Policy DP22 of the Local Plan. Moreover, the proposal would amount to new, isolated residential development in the countryside and special circumstances have not been demonstrated. The development would not meet the aims of Policies CP1, CP2 and DP4 of the Local Plan which seek to focus new housing development where it would support the vitality of settlements and ensure car-reliant development is avoided, whilst also protecting the character and appearance of the countryside and rural settlements.
21. For the reasons given above, I conclude that the appeal should be dismissed.

Debbie Moore

Inspector