

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: 31st October 2016

Appeal Ref: APP/Q3305/W/16/3155532

**Barn to the north of Stable Cottage, Roemead Road, Priddy, Cheddar
BA5 3DB**

- 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 R Penny against the decision of Mendip District Council.
 - The application Ref 2015/2150/FUL, dated 10 September 2015, was refused by notice dated 1 March 2016.
 - The development proposed is conversion of barn to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of barn to dwelling at Barn to the north of Stable Cottage, Roemead Road, Priddy, Cheddar BA5 3DB in accordance with the terms of the application, Ref 2015/2150/FUL, dated 10 September 2015, subject to the conditions attached in the schedule to this decision.

Main Issues

2. 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 its effect on the character and appearance of the countryside, in particular, the Mendip Hills Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal relates to a redundant building that was used in connection with the wider use of the site as hunt kennels. The use has been discontinued and many of the buildings in the complex have been converted or re-used.
 4. The appeal building is steel framed with external walls constructed of single skin blockwork and metal profiled sheet cladding. There are three full height roller shutter doors in the east elevation and a further roller shutter door on the southern gable. The roof is constructed of single skin profiled steel sheeting supported on timber purlins which are, in turn, supported by the steel portal frame. There are various internal walls constructed from concrete block.
 5. The site lies within an AONB 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.
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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.

6. The Structural Survey² submitted by the appellant concludes that the building is in a good condition and no remedial building work is required to maintain its structural integrity. The conversion proposals include the retention of the ground floor slab and external block walls. Existing openings would be filled in without the need for additional foundations, provided that lightweight construction materials were used. Similarly, new lightweight internal walls could be built without the need for additional foundations. The existing roof would be removed and lowered, requiring new timber trusses that could be supported directly off the existing columns.
7. The Council's objection to the proposal relates specifically to the work necessary to convert the building which it considers fails to meet criterion 1(d) of Policy DP22, which resists major or complete reconstruction. However, the Council has provided limited evidence to support this assertion. I accept that the infilling of the large openings, removal of the metal sheet wall materials and replacement roof are significant, but I do not consider that these works amount to major reconstruction. Moreover, I have no reason to doubt the findings of the structural survey that states no remedial building work is required. Therefore, I find that the proposal would satisfy Criterion 1(d) of Policy DP22 of the Local Plan.
8. 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.
9. The Council has not raised any concerns in relation to the location of the site and the accessibility of services and facilities. Both parties are in agreement that the proposed building would be in keeping with other converted buildings on the site and the proposal would be an enhancement to the immediate setting. The proposal would, therefore, meet the wider aim of Policy DP22 and the Framework.
10. The purpose of the AONB designation is to conserve and enhance the natural beauty of the area. I find that the proposal would not be in conflict with this purpose.

Other Matters

11. The appeal site is in close proximity to the Scheduled Monuments known as 'Three of the Priddy Circles and One Barrow', and 'Bowl Barrow'. These designated heritage assets are significant due to their archaeological importance. Historic England has advised that the application would not result in a change in setting to the designated heritage assets due to the form and scale of the proposals, the local landscape and the distance between the appeal site and the Scheduled Monuments.

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

² CLP Structures Ltd, Ref 411, dated November 2015

12. The appeal site is also within an area of High Archaeological Potential. Somerset Country Council's Historic Environment Service has advised that there are limited or no archaeological implications to the proposal and there are no objections on archaeological grounds.
13. I conclude, therefore, that the proposal would preserve the setting of the Scheduled Monuments and would be unlikely to affect the significance of other non-designated heritage assets.
14. I have considered representations from a third party regarding privacy, and noise and disturbance. However, I agree with the Council that any loss of privacy would not be material due to the location of the appeal building and its relationship and distance from the neighbouring property. Also, I do not find that there would be an adverse effect on living conditions as a result of increased noise and disturbance due to the separation distance. I have, however, imposed a condition requiring details of any floodlighting to enable the Council to consider the effects of light pollution.

Conditions

15. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. I have imposed pre-commencement conditions requiring samples of materials and a landscaping scheme. The site is within an AONB and the conditions are necessary to protect the character and appearance of the area. I have imposed the conditions requested by the Council that restrict permitted development rights as I am satisfied that there is clear justification due to landscape and archaeological constraints of the site, which amount to exceptional circumstances.
16. I have imposed a condition to mitigate the impacts of the development on protected species and to promote biodiversity, as I am satisfied there is sufficient evidence that this is necessary. I have not, however, imposed the condition requiring the development to be carried out in accordance the recommendations of the Bat and Bird Scoping Survey as this would either duplicate the condition requiring bat and bird boxes to be installed, or is otherwise covered by separate legislation, so is not necessary.
17. I have not imposed the Council's suggested condition requiring details of external joinery because it has not been demonstrated that this level of detail is necessary.
18. I have not imposed the condition requested by a third party requiring the planting of a boundary hedge. I have found that the proposal would not lead to a material loss of privacy, therefore, the condition is not necessary. Similarly, the Council advises that the suggested condition to restrict hours of construction would not be relevant to planning and, therefore, I have not imposed the suggested condition.
19. I have not imposed the condition suggested by the Council's Environmental Protection Adviser restricting the use of the stables as there is no evidence that this is necessary.
20. The Council refers, in the officer's delegated report, to the need for a condition requiring the approval of details for the septic tank. There is limited information to explain why this is necessary. Therefore, I have not imposed this condition.

Conclusion

21. I conclude that it has not been demonstrated that the barn is not of permanent and substantially sound construction and that the proposal would require major reconstruction. Moreover, the proposal would lead to an enhancement to the immediate setting. Consequently, the proposal would accord with Policy DP22 of the Local Plan. The proposal would meet the aims of Policy CP1 of the Local Plan, and the Framework, as special circumstances have been demonstrated to justify the countryside location.

22. For the reasons given above, I conclude that the appeal should be allowed.

Debbie Moore

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref 2.40.1; Ground Floor Plan and Section Ref 1660/02 dated Oct 2014; Elevations Ref 1660/03 dated Oct 2014; Proposed Ground Floor Plan and Section Ref 1660/06 dated Aug 2015; Proposed Elevations Ref 1660/07 dated Aug 2015; Proposed Site Plan Ref 1660/08 dated Aug 2015.
- 3) No external facing materials shall be constructed or installed in respect of the development hereby approved until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall show the palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) The dwelling hereby approved shall not be occupied until details of the artificial bat roost boxes and bird boxes, their locations on the site and timescale for installation has been submitted to and approved, in writing, by the local planning authority. The bat roost boxes and bird boxes shall be installed in accordance with the approved details and retained as such thereafter.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) and any retained planting.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before any part of the development is first occupied. External lighting shall be carried out in accordance with the approved details and retained as such thereafter.

- 8) 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 extension or enlargement (including additions or alterations to the roof) of the dwelling hereby approved shall be carried out other than those expressly authorised by this permission.
- 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 buildings shall be erected within the curtilage of the dwelling hereby approved.