
Appeal Decision

Site visit made on 13 September 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 1 November 2016

Appeal Ref: APP/K0425/W/16/3150912

Town End Farm, Horseshoe Road, Radnage, Buckinghamshire HP14 4EB

- 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 P Fessler against the decision of Wycombe District Council.
 - The application Ref 16/05201/FUL, dated 24 January 2016, was refused by notice dated 18 March 2016.
 - The development proposed is conversion of existing barn and incorporation of two other buildings to form tourist accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing barn and incorporation of two other buildings to form tourist accommodation at Town End Farm, Horseshoe Road, Radnage, Buckinghamshire HP14 4EB in accordance with the terms of the application, Ref 16/05201/FUL, dated 24 January 2016, subject to the following 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: 28.14.11.
 - 3) The development hereby permitted shall be used only as short-term holiday let accommodation or bed-and-breakfast accommodation in connection with the occupation of the existing dwelling, Town End Farm, and shall not at any time be severed and occupied an independent unit.
 - 4) Before the development hereby permitted is commenced the two buildings shown for removal on drawing 28.14.11 shall be so removed from the site.
 - 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Application for costs

2. An application for costs was made by Mr & Mrs P Fessler against Wycombe District Council. This application is the subject of a separate Decision.
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Main Issues

3. As the site is in the Green Belt, the main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect on the openness of the Green Belt;
- the effect on the character and appearance of the area being part of the Chilterns Area of Outstanding Natural Beauty (the AONB);
- the effect on the setting of Town End Farmhouse as a Grade II listed building;
- would the harm, by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The Wycombe District Local Plan to 2011 (as saved and amended), which was saved and extended in 2007 and partially replaced in 2008 (the WLP), includes Policy GB2. This indicates that in the Green Belt development will not be permitted, unless there are very special circumstances, for any purpose other than a list of certain development types. Where permitted any development must retain the open characteristics of the Green Belt and respect its visual amenities. The proposals do not fall within any of these development types. Policy CS 9 of the Wycombe Development Framework Core Strategy Development Plan Document (the WCS), which was adopted in 2008, indicates that the Green Belt will be protected from inappropriate development.
5. The Framework, in paragraph 89, indicates that the construction of new buildings should be considered as inappropriate in the Green Belt. It sets out a number of exceptions to this including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. In paragraph 90 the Framework states that certain other forms of development, other than the construction of buildings, are also not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Included within these exceptions is the re-use of buildings provided that the buildings are of permanent and substantial construction. Given that the Framework, dating from 2012, is a much more recent expression of national policy than both the WLP and the WCS I shall proceed to apply the tests in the Framework when considering the question of inappropriateness.
6. The consideration is therefore a two stage process, firstly whether or not the change of use is inappropriate, and secondly whether or not the extension is inappropriate, leading to an overall conclusion.
7. The main existing building is a metal framed barn, open on one side with blockwork and sheeting walling above on the others, and with sheeting roofing. In support of the appeal the appellants have submitted a report on the

structural condition of the building. Although this was drawn up in relation to an earlier proposal for the change of use of the building without an extension, this concludes that the “main structural elements of the building represent a permanent and substantial construction and can be retained allowing a full conversion and renovation without demolition of the main structural components”. There was no other evidence as to the structural condition and this report concurred with my view of the building I saw on site. I therefore conclude that the building, subject to normal maintenance and repair, is of permanent and substantial construction. I will assess the overall proposal in terms of openness and in respect of the purposes of the Green Belt below.

8. Turning to the extension, as set out above, the extension or alteration of a building is not inappropriate provided it does not result in disproportionate additions over and above the size of the original building. However, while not explicit in the Framework it seems to me that the use of an extension must be the same as the use of the existing building. The current use is not the same as that proposed and the use of the extension would therefore not be the same as the building as at present. As the extension is an integral part of the proposal, it would not fall within the exceptions provided for within paragraph 89 of the Framework and, therefore, the proposal would represent inappropriate development.
9. In line with the advice in paragraphs 87 and 88 of the Framework inappropriate development would be, by definition, harmful to the Green Belt and substantial weight should be given to this harm.

Openness

10. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed, one of the essential characteristics of Green Belts is their openness.
11. Openness is the absence of buildings or development. The enlargement of the building would have the effect of reducing openness in the area. However, the proposal is also for the demolition of the two, smaller, buildings a short way to the north of the main barn. The built form proposed would be consolidated in a single building, covering a smaller overall area than that of the three buildings at present. The floor area of the extension would be slightly larger than those of the two buildings and my impression was that the roof form of the proposal would be greater meaning that the volume of the proposal would be larger.
12. Taking these together, that is the enlargement of the building in area and volume set against the consolidation of building on site, I am of the view that the overall effect on openness would be neutral and thus openness would be preserved. Through the consolidation of development into a smaller area the proposal would comply with the purposes of the Green Belt, particularly in safeguarding the countryside from encroachment.
13. Insofar as openness has a visual element I will consider that in the next section.

Character and appearance of AONB

14. The appeal site lies in a very rural area although there are a number of scattered dwellings in the vicinity. It is a high quality landscape which is recognised through its designation as within an AONB. Regard should be had

to the purposes of conserving and enhancing the natural beauty of the area and great weight given, in line with paragraph 115 of the Framework, to conserving landscape and scenic beauty.

15. The current building has a agricultural character consistent with the very rural nature of the area. The two smaller buildings have the appearance of small sheds. The proposed cladding materials for the building would give it a more traditional character, and through the consolidation of the buildings would reduce the effect on the character and appearance of the AONB.
16. The proposed extension would appear as subservient to the building. Although the ridge of the extension would be at right angles to the ridge of the main roof it would be clearly seen as an extension. I am therefore satisfied that it would not be detrimental to the character and appearance of the existing building and would be of a form, bulk and general design which would be in keeping with its rural surroundings as required by Policy C7 of the WLP paying particular regard to the AONB.
17. Set against this would be the effects of the change of use. There is likely to be lighting, certainly within the building, which would have an urbanising effect. In addition, there would be other effects such as the parking of cars from those staying in the holiday accommodation along with ancillary activities, for example outside tables and chairs from those taking advantage of good weather, which would have an urbanising effect detrimental to the character and appearance of the area.
18. Taking these elements together I conclude that overall the proposal would have a neutral effect on the character and appearance of the area and would thus conserve the natural beauty of the AONB. The proposal would therefore comply with Policy CS 17 of the WCS in that it would conserve the AONB. It would also comply with Policy C7 of the WLP as set out above. It would also comply with paragraph 115 of the Framework as set out above.

Effect on listed building

19. Town End Farmhouse is a Grade II listed building dating from the late eighteenth to early nineteenth centuries. It is located a short distance to the north of the appeal site. It is in a separate parcel of land with a hedgerow and trees between. Between the farmhouse and the appeal site are a lawn and a tennis court surrounded by a fence.
20. The Framework defines "significance" as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
21. In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), special regard shall be given to the desirability of preserving the setting of a listed building. The appeal site is some distance from the Farmhouse and would be discrete from it. The proposed development would be sufficiently separate so that the proposal would not affect its setting particularly with the intervening tennis court and vegetation. As such its setting of the listed building would be preserved.

22. The consultation response from the Conservation Officer in the Council's report on the application relates more to the details of the conversion rather than the effect on the setting of the listed buildings. I have considered that above.
23. As such the proposal would preserve the setting of the listed building. It would therefore comply with Policy HE3 of the WLP which indicates that planning permission will not be granted for development which would adversely affect the setting of any listed building. It would also comply with paragraph 131 of the Framework in that it would conserve a heritage asset.

Other considerations

24. The appellants have put forward a number of other matters which they consider should also be taken into account. Principal amongst these is that planning permission was granted in 2015 for the change of use of the building to the same use, although only with two bedrooms and without the extension. They indicate that, firstly this gives a fall back which is likely to be implemented in the event that this appeal were to be dismissed, and that, secondly, they could then extend the property utilising permitted development rights to a similar, if slightly smaller, extent.
25. This appeal is not the forum of determining whether an extension to the converted building using permitted development rights would be lawful. However, on the assumption that such an extension would be lawful, it would require the works for the initial change of use to be undertaken and the use instituted prior to any works for the extension commencing. This makes it more awkward than if the whole were undertaken as a single operation.
26. If permitted development rights were considered not to apply an application for planning permission would be required in the normal way once the change of use has taken place. In that case, the application would be considered as an extension or alteration of a building and would be not inappropriate development under the third exception set out in paragraph 89 of the Framework provided it did not result in disproportionate additions over and above the size of the original building. Again this would be more awkward than undertaking the works as a single project.
27. The Council indicates that it considers the extended part of the current proposals would be a disproportionate extension. I note that the extension would add 37m², or 29%, to the floorspace of the building. Policy GB6 of the WLP indicates that extensions to the floorspace of dwellings will be permitted up to 50% unless the floorspace of the resultant building would be less than 120m², or result in the total floorspace of all extensions having a gross floorspace of more than 120m². The resultant building would have a floorspace in excess of 120m², but the extensions would be less than 120m². The extension, of itself, would not be tantamount to the creation of a new dwelling and I have concluded above that the proposal would not be detrimental to the character and appearance of the existing building, which are the other two criteria of Policy GB6. I am therefore satisfied that there would therefore be compliance with this policy.
28. In addition the proposal also involves the demolition of the two outbuildings, which I am advised, have a combined floorspace of just over 29m². Provided that they were removed, which could be secured by condition, then this would reduce the increase in floorspace. I am satisfied that in this circumstance the

extension, of itself, would not result in disproportionate extensions over and above the size of the original building.

29. Overall, on the evidence in front of me I can see no planning objection to the extension as proposed if undertaken as a separate operation, and there is a reasonable likelihood that this would take place. I therefore conclude that this should have very significant positive weight to set against harm.
30. In that the proposal would add a third bedroom to the unit and thus, according to the appellants, make the resulting building more desirable to those who might wish to let it. This would then support the rural economy further in line with paragraphs 19 and 28 of the Framework. I have no evidence that the change of use as permitted would not take place, indeed this would be contrary to the appellants' contention on the fall-back position, and, in line with paragraph 19 of the Framework give this benefit significant weight.

Planning Balance

31. The proposed extension of the building, and thus the whole proposal, represents inappropriate development and as such would be contrary to Policy CS 9 of the WCS. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The effect of the proposed development on openness taken as a whole would be neutral, as would be the effect on the character and appearance of the AONB, and the effect on the setting of the listed building. Set against this harm is the very significant weight from the fall back position of the same scheme being constructed if the existing planning permission were to be implemented first. Finally, there is the significant weight I give to the economic advantage of a larger development.
32. I find that the other considerations in this case clearly outweigh the harm I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. This means that the proposal complies with Policy GB2 of the WLP.

Conditions

33. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition limiting the occupation to holiday let or bed-and-breakfast accommodation to comply with the terms of the application and to ensure that the economic benefit of the nature of the proposal is realised.
34. In the interests of the visual amenities of the area, including the AONB, I have imposed a condition requiring details of the materials to be used in the external surfaces to be agreed. To ensure that the extension is not disproportionate, and that the balance of the effects of the development on openness and the AONB are secured, I am imposing a condition requiring the removal of the two outbuildings.
35. Otherwise than as set out in this decision and conditions, I have imposed a condition specifying the relevant drawings as this provides certainty. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

RJ Jackson

INSPECTOR