
Appeal Decision

Site visit made on 13 September 2016

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/X2220/W/16/3152188

Summerfield Farm, Barnsole Road, Staple, Kent CT3 1LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Development Order 2015 (the GPDO).
 - The appeal is made by Mr and Mrs Vickers against the decision of Dover District Council.
 - The application Ref DOV/16/00048 was refused by notice dated 13 April 2016.
 - The development proposed is described in the application form as 'farm storage'.
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Decision

The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Development Order 2015 for the change of use of barn to residential dwelling and associated material operations at land at Summerfield Farm, Barnsole Road, Staple, Kent CT3 1LD in accordance with the terms of the application Ref DOV/16/00048, in accordance with the conditions in the attached schedule.

Procedural Matters

1. The application is described on the application form as "farm storage", but the parties have described the proposal on the decision notice and appeal form as "change of use of barn to residential dwelling and associated material operations" and I have used this more accurate description in the formal decision.
2. An area of land immediately beside the appeal building no larger than the land area occupied by that building lies within the red line on the site plan. This curtilage falls within the statutory definition set out in Schedule 2, Part 3, paragraph X of the GPDO.

Application for costs

3. An application for costs was made by Mr and Mrs Vickers against Dover District Council. This application is the subject of a separate Decision.

Main Issue

4. The provisions under Class Q.1 of the GPDO require the local planning authority to assess the proposal on the basis of noise, flooding, contaminated land, transport and highways, and the design or external appearance of the building.
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The Council has no objection on Class Q 1 (a) to (m), but dispute compliance with Class Q 2 (e) and (f). The main issues are therefore;

- whether the design and external appearance of the proposal would be acceptable, having regard to the desirability of protecting setting of Grade II listed Summerfield Farm and adjacent curtilage listed barn; and
- whether the location is suitable or impracticable.

Reasons

Effect on setting of listed buildings

5. Summerfield Farmhouse is a Grade II listed building. The listing description confirms that the farmhouse is of 15th Century construction with a timber frame, painted brick infill and plain tiled roof. The Council has confirmed, with reference to the Historic Environment Record, that a red brick barn with clay tiled half hipped roof, situated between the farmhouse building and the appeal building is curtilage listed. The heritage significance of these assets derives from their historical and cultural interest as part of a working farm and due to the significant age of the buildings. I have attached great weight to the conservation of their setting, in accordance with paragraph 132 of the National Planning Policy Framework.
6. The Council are concerned with the effect the closing up of the western elevation, which is currently partly open, would have on the agricultural character of the site. However, the Planning Practice Guidance advises that local planning authorities should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. The GPDO allows any building operations reasonably necessary to enable the residential use, which could encompass the enclosure of the western elevation of the building. A change to the character of the property and its immediate environs from agricultural to residential might be expected to arise from works to convert the building to a residential use. As such this is not sufficient justification for dismissal of the appeal.
7. The appeal building is not listed. It has a simple rectangular form constructed of blockwork with a shallow mono pitch roof. The exact dimensions of the appeal building would be retained if the appeal were allowed and there would be no increase in the floor area, but the partially open western elevation would be enclosed and windows and a door inserted. The proposed black weatherboarding would be simple in design and construction and whilst clearly different from the existing grey breezeblocks it would not appear incongruous within a rural setting. Accordingly the agricultural character of the curtilage listed barn would not be undermined, and therefore there would be no harm to its setting.
8. Any paraphernalia associated with a residential use of the building, such as tables and chairs would be located to the rear of the appeal building and would be enclosed by a brick wall. As a consequence such items would be unlikely to be seen in the same view as the curtilage listed barn. They would also be largely screened from view when seen from the farmhouse. The distance of the farmhouse from the appeal building and screening provided by the proposed brick wall and existing mature landscaping would preserve the setting of this Grade II listed building.

9. The Council has referred to a prior approval appeal for conversion of a barn to residential use,¹ but this involved more extensive alterations to form a two storey dwelling incorporating a large expanse of glazing and a terraced area that would be highly prominent from a nearby public footpath. The signification alterations required in that appeal are materially different to the proposal before me.
10. The Council has also referred to the loss in condition of the listed farmhouse and that opportunities should be taken to reinforce and enhance the character of that building. However, the Act² requires the special interest of heritage assets to be preserved. For the reasons set out above I conclude that the design and external appearance of the proposal would be acceptable, and thus would preserve the setting of Summerfield Farmhouse and the adjacent curtilage listed barn.

Whether location impractical or undesirable

11. The Guidance is clear that the permitted development right for conversion of agricultural buildings to residential does not apply a test in relation to sustainability of location given the inherent rural location of such buildings. It notes *"that an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval."*³
12. Whilst there are instances where the location and siting of a building are such that this would make it impractical or undesirable to change use to residential, Summerfield Farmhouse is located a short distance from the village of Staple, and the appeal building, along with adjacent farm buildings can be accessed by a public highway. Furthermore the appeal property is not isolated in the sense that there are other residential properties nearby. I have also found that there would be no harm to the setting of the curtilage listed barn or Grade II listed Summerfield Farmhouse. Consequently I conclude that the location and siting would be satisfactory, and would meet the provisions of the GPDO.

Conclusion

13. I have found that the proposal would satisfy the provisions set out in Class Q of the GPDO. Development under Class Q is permitted subject to a condition that development under Class Q (a) and (b) must be completed within a period of 3 years starting with the prior approval date. In addition to this deemed condition, I shall impose conditions requiring details of external materials and joinery, vents, flues and meter boxes, and the brick boundary wall, gate and store shown on drawing 14/10/03 Rev D, all in order to preserve the setting of the aforementioned heritage assets.
14. For the above reasons I conclude that the proposal would be permitted development.

Claire Victory

INSPECTOR

¹ APP/R3325/W/14/2226695

² The Planning (Listed Buildings and Conservations Areas) Act 1990

³ Paragraph 109 - Planning Practice Guidance

Schedule of Express Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 14/10/06 Rev B; 14/10/03 Rev D; and 14/10/02 Rev F.
- 2 No development above ground shall take place until samples of materials to be used in the construction of the external surfaces of the building and of the brick boundary wall hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3 No development above ground shall take place until full details of all external joinery including that to all new windows and doors (which shall be of timber construction only) in the form of half or full size cross sectional drawings, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 4 No development above ground level shall take place until full detail of any flues, vents or meter boxes have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 5 No development shall take place above ground level until details of the brick boundary wall, gate and store shown on drawing numbered 14/10/03 Rev D have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.