
Appeal Decision

Site visit made on 11 October 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 2 December 2016

Appeal Ref: APP/P0119/W/16/3155215

Hill House Farm, Sodbury Road, Wickwar, South Gloucestershire GL12 8PA

- 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 J Jones against the decision of South Gloucestershire Council.
 - The application Ref PK15/5173/F, dated 30 November 2015, was refused by notice dated 27 January 2016.
 - The development proposed is change of use of barn to tourist accommodation.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jason Jones against South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Although the proposed development refers to change of use to tourist accommodation, such an application is treated as a dwellinghouse for the purposes of applying planning policies. It is essentially residential and normally falls within planning use class C3 dwellinghouses. That is the approach that was taken by the Council in considering the original application. Therefore, I will also consider the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding countryside, given its location outside any settlement boundary.

Reasons

5. The appeal site is located in a field in the midst of the countryside south of the rural village of Wickwar. The proposal would involve the conversion and expansion of a small, stone barn for residential use with associated garden and parking areas. A lengthy access track across a field leading to the barn would be upgraded to accommodate domestic vehicles. The site is accessed via a long private road off Wickwar Road which also serves as a public footpath.

6. Policies CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (CS)¹ advise that development in the open countryside will be strictly limited. Saved Policy H10 of the South Gloucestershire Local Plan Adopted January 2006 (LP) says that the conversion and re-use of existing buildings for residential purposes outside the boundaries of settlements will not be permitted unless a set of criteria are met.
7. There is disagreement between the parties about whether the extent of the proposed works to the building, which include a sizeable extension, repairs and remodelling, constitute major reconstruction. As 'reconstruction' is not defined in the policy, it is reasonable to rely on its dictionary definition which is to rebuild something after it has been damaged or destroyed. I am satisfied from the structural report and my site visit that the necessary and proposed works do not constitute major reconstruction within the meaning of the policy.
8. Further policy criteria that must be satisfied are that buildings are in keeping with their surroundings in terms of character, form, bulk and overall design. Development including any alterations, extensions or the creation of a residential curtilage must not have a harmful effect on the character of the countryside.
9. Though the appellant's Design and Access Statement suggests that the external appearance of the barn would be largely unchanged, the proposed extension to the east would increase its size by 50%, which is a substantial addition. The entrance fronted by glazed panelled doors would reach above the eaves height raising the roofline whilst numerous full length windows would infill the existing large openings to the south elevation. That combined with relatively sizeable roof lights to the north would, despite the use of matching materials and the retention of a single storey height, transform this modest rural stone barn into a different type of structure.
10. Whilst the south elevation would not be seen from the public footpath, the substantial increase in the footprint of the building and the two car parking spaces to the east would draw attention and be seen from the wide field entrance alongside the public footpath. An upgraded tarmac access track, albeit dressed with scalplings, running from that entrance for some 170 metres along the side of an agricultural field would complete an incongruous tableau.
11. Though some planting is proposed to the south and north east, I do not consider that a landscaping condition would enable sufficient mitigation. The access track, running the footpath, would need to remain open and accessible as would the car parking spaces. The future occupants of the tourist accommodation would also be likely to wish for views of the countryside rather than being surrounded by high planting. Consequently, I consider that the cumulative effects would degrade the rural landscape.
12. A further requirement of H10 is that the building should be well related to an existing settlement or other groups of buildings. It is 1.5km from the closest settlement and the nearest other buildings are Hill House Farm, about 270 metres to the west, and properties near Wickwar Road, at least 140 metres to the north east. Though I saw the roofs of those buildings in the distance, with some difficulty in the case of Hill House Farm which is filtered by hedges and trees, I do not consider that it could reasonably be said that the proposed

¹ Adopted December 2013

development would be 'well related' to them as they are simply too far away. Fields, hedges, trees and distance clearly separate them from the appeal site and the nearest other buildings are about 500 metres away. Therefore, though I note the appellant's views on the relative density and relationships of built forms in an agricultural setting, I consider that the proposal clearly conflicts with that policy criterion.

13. I agree with the Council that the requirement in H10 to exhaust alternative business re-use options is not necessarily consistent with the National Planning Policy Framework (the Framework) and its support for rural tourism articulated in paragraph 28. Therefore, I give it limited weight. In any event, the appellant holds that such options have been fully explored and deemed impractical so it does not influence my decision. Policy E7 is specifically directed at conversion and re-use of existing buildings for employment uses and is not, therefore, directly relevant to the proposal. A number of its requirements are, in any case, repeated in H10.
14. Whilst saved policy E11 of the LP accepts the use of vacant buildings for tourism, it also declares that there should not be unacceptable environmental effects. The policy refers to the environment in its broadest sense and the adverse effects on the character and appearance of the countryside that I have already identified would contravene the policy. I take a different view from the Council in that respect.
15. I also disagree with the Council's interpretation of the applicability of criterion D of E11 which plainly refers to new buildings. Though the proposal involves a relatively substantial extension to an existing building, I do not consider that would make it a new building. In any case, the need for a relationship with existing groups of buildings is covered in Policy H10.
16. The appellant has referred to a permission granted for another barn conversion to a holiday let at Hill House Farm, Ref PK13/4459/F. Though I have been supplied with documentation relating to that application, I do not know the full details or background to that case. The Council advise that it involved a small extension that was behind an existing high and substantial wall. The relevant Officer's report says that the large stone wall extended southwards to create a walled yard area. The extension is described as a lean-to subservient to the existing building which is described as a substantial construction.
17. Therefore, whilst there are similarities between the schemes there are also differences. Ultimately, planning decisions involve the application of judgement and policy to individual schemes which have different characteristics and must be judged on their own merits. Therefore, whilst the Council may have permitted schemes that are similar in some respects, I have considered the proposal before me on its own merits and the allegedly comparable case does not lead me to alter my decision.
18. Overall, the proposal would not, therefore, comply with the CS or the saved LP policies. As the Council concedes it does not have a five year housing land supply, it follows that in accord with paragraph 49 of the Framework, policies CS1, CS5, CS9, CS34, H3, H10, E11, E7 and L1, all of which restrict housing land supply to varying degrees, are to be considered out of date.² This reduces the weight that can be given to those policies.

² Suffolk Coastal District Council v Hopkins Homes Ltd [2016] EWCA Civ 168

19. In such circumstances, paragraph 14 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development which runs through the Framework is explained in paragraph 7 as having three dimensions: economic, social and environmental.
20. The proposal would have some economic and social benefits including investment in employment and materials during the construction period, re-use of a disused agricultural building, the contribution to the diversification of an agricultural business, and provision of additional tourist facilities which could also help to support the retention and development of local services. The general support offered by the Council's Economic Development Team is noted but it appears to be a fairly standard consultation response rather than a detailed evaluation of the viability or contribution of the proposal.
21. As a residential dwelling, unless restricted in some way for tourism by means of condition, it could also be considered as making some contribution to housing supply. However, there is no evidence provided as to the extent of the housing land supply shortfall and in any case one dwelling, particularly when intended for tourist accommodation would not make a significant contribution.
22. Whilst paragraph 28 of the Framework states that planning policies should support rural enterprise and sustainable tourism, including the conversion of existing buildings, it also requires that developments respect the character of the countryside. Similarly, paragraph 55, whilst encouraging development where it will enhance the vitality of rural communities, says that new isolated homes in the countryside should be avoided unless there are special circumstances.
23. Paragraph 55 has similarities with Policy H10 in that it also restricts development subject to conditions and exceptions including countenancing the re-use of redundant or disused building. The exceptions are couched in provisos that re-use should, in the case of paragraph 55, also lead to an enhancement to the immediate setting. Buildings should be in keeping with their surroundings and, according to H10, alterations, extensions and the creation of a residential curtilage must not have a harmful effect on the countryside.
24. Those provisos are pertinent to the environmental dimension of sustainable development which involves contributing to, protecting and enhancing the natural environment. One of the twelve core planning principles in paragraph 17 Framework says that the intrinsic character and beauty of the countryside should be recognised.
25. I have already identified the significant harm that the development would cause to the character and appearance of the countryside. It would, therefore, be contrary to CS1, CS5, CS9, CS34, H10, E11 and L1 of the CS and LP which, amongst other things aim to ensure that development is appropriate to its surroundings and does not harm the character of the countryside. Therefore, the environmental aspect of sustainable development would not be satisfied. That significant harm weighs heavily in the balance.
26. Taking the above factors into account, I conclude that the adverse impacts of granting permission, which I have already detailed, would significantly and

demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Overall, therefore, the proposal would not represent sustainable development.

27. Whilst the relevant CS and LP policies are considered out of date, the proposed development would still be contrary to the development plan and that conflict would not be outweighed by other material considerations including the provisions of the Framework and paragraph 14.

Other Matters

28. The appellant refers to development criteria in the Green Belt. As the proposal is not in the Green Belt, I do not consider that criteria relevant.
29. References have been made to policies in the emerging South Gloucestershire Policies Sites and Places Plan, though copies have not been submitted with the appeal documentation. As it has yet to be examined, I give it little weight in comparison with the CS and saved LP policies.

Conclusion

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR