
Appeal Decision

Site visit made on 15 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/K2420/W/16/3157729

Polebrook Hayes Farm, Markfield Lane, Botcheston, Leicester, Leicestershire LE9 9FH

- 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 Miss Sue Johnson against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 16/00202/FUL, dated 1 March 2016, was refused by notice dated 26 April 2016.
 - The development proposed is a change of use and extension of agricultural building to form an agricultural worker's dwelling and erection of an agricultural building (resubmission).
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Decision

1. The appeal is dismissed insofar as it relates to the change of use and extension of agricultural building to form an agricultural worker's dwelling. The appeal should be allowed insofar as it relates to the erection of an agricultural building and planning permission is granted for the erection of an agricultural building at Polebrook Hayes Farm, Markfield Lane, Botcheston, Leicester, Leicestershire LE9 9FH in accordance with the terms of the application, Ref 16/00202/FUL, dated 1 March 2016, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council have confirmed that Saved Policies NE5, BE1 and BE20 of the Hinckley and Bosworth Local Plan 2001 referred to by the Council in its decision notice have been superseded by Policies in the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document (SADMP) which was adopted in July 2016 since the planning application was determined. The design aims of both sets of policies are similar and so neither party has been prejudiced by this change.
 3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.
 4. The proposed development comprises two elements (i) change of use and extension of agricultural building to form an agricultural worker's dwelling and, (ii) new agricultural storage building. I am satisfied that the elements are physically and functionally severable. I shall determine the appeal on this basis accordingly.
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Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the agricultural building to be converted to an agricultural worker's dwelling and the area.

Reasons

6. The appeal site comprises of an organic horticultural small-holding known as Polebrook Hayes Farm located in the open countryside and accessed via a long unmade track off Markfield Lane. The small-holding covers approximately 4.3ha and includes a number of agricultural buildings including a brick built storage building with dual pitched roof. The appeal site is located at the bottom of a slope behind a row of houses fronting onto Markfield Lane to the south-west, with a wooded area to the north-west and open fields to the north-east, defined by mature hedgerows and tree boundaries.
7. The development involves the change of use and extension of the existing brick built storage building to form an agricultural worker's dwelling and the Council submission confirms the conversion of the building to residential use in association with the small-holding on the site is acceptable in principle. The proposal would entail construction of a two storey dual pitched roof extension from the south-west elevation of the building measuring about 7.0m in depth and about 5.4m in width and the removal of the existing lean-to glasshouse on the south-west elevation of the building.
8. The new agricultural storage building for crop and cold store would be located immediately adjacent to the existing buildings and measure about 11m by 4m with roof ridge height of about 4m. It would be finished with vertical wooden plank cladding with a steel roof sheeting to match the adjacent building.
9. As a result of the ground levels and the existing mature boundary treatment, the appeal site would not be prominent within the wider landscape and the proposed extension and the new agricultural building would be well related to the existing buildings on the site. The proposed design and appearance of the new agricultural building would not be out-of-keeping with the existing buildings on the site and would have limited impact on the open character and appearance of the surrounding rural area.
10. The proposed extension, however, by virtue of its scale, siting and design, would still be a significant addition relative to the brick built storage building and would appear very much at odds with the simple form and appearance of the building. As such, although set down at roof level, I consider that the extension would result in an incongruous and out-of-keeping addition that would significantly detract from the character and appearance of the building.
11. I have considered the appellant's comments regarding the context provided in the National Planning Policy Framework (the Framework) for good design and the importance of considering the local character and distinctiveness but I find that the proposed extension does not achieve the standards the Framework seeks. I have considered the appellant's arguments that the design of the extension is intended to complement the appearance of the existing building and the benefits arising from the proposed extension as compared to the previous planning approval¹. I also note the appellant's comments regarding

¹ 13/01069/FUL

the benefits to the business arising from the proposed additional accommodation.

12. However, the appeal scheme is materially different to the previous planning approval. Whilst the use of matching materials and fenestrations would assist in integrating the proposed extension with the design of the existing building and, the siting of the extension and the removal of the existing lean-to glasshouse would help to preserve some of the existing decorative design features and maximise the sustainable design features, these aspects do not overcome the adverse effects outlined above. I therefore accord these matters limited weight.
13. Consequently, I conclude that the proposed extension would harm the character and appearance of the agricultural building. It conflicts with Policies DM4 and DM10 of the SADMP and the Council's Supplementary Planning Guidance on Conversions of Rural Buildings 2004 (SPG). These policies and guidelines, amongst other things, seek to ensure that developments retain and respect the special qualities of the original building and its rural setting.
14. In addition, it would not accord with the Framework that development should seek to secure a high quality of design (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56); and should respond to local character (paragraph 58).

Other Matters

15. On my site visit, I viewed the existing agricultural buildings on the site and the current crop store located in a small building in the rear garden of the adjacent property at No. 3 Markfield Lane. I agree with the appellant that the current arrangements are unsatisfactory and the need to provide security of tenure and a safer and more efficient working environment are justified. I am persuaded by the evidence submitted by the appellant that the new agricultural storage building is necessary if this enterprise is to be developed to its full potential. The existing buildings on the site do not provide a suitable alternative for the proposed purpose built crop and cold store. In view of my findings and the lack of harm identified to the character and appearance of the area, I consider there is sufficient justification for the new agricultural building and I see no reason not to allow this element of the development.
16. I have noted the letter of objection from the owners of the access objecting to the inconvenience and use of the access and that the site was originally sold only for agricultural purposes. However, the Council's report outlines there are no objections in principle from a highway perspective to the proposal and the use of the existing access. Land ownership and access issues are a private matter between the relevant parties and not a planning matter within my jurisdiction.

Conditions

17. Having regard to the Framework, and in particular paragraph 206, I have considered the various planning conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition relating to the detailing of the external materials and finishes of the approved agricultural building.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the erection of an agricultural building, but should be dismissed insofar as it relates to the change of use and extension of agricultural building to form an agricultural worker's dwelling.

David Troy

INSPECTOR

Schedule of 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 approved plans: Site Location Plan 1:2500, Site Location Plan and Block Plan Drawing no. 14-167 and Proposed Crop Store/Cold Store Plan received by the Local Planning Authority on 1 March 2016.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the agricultural building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.