
Appeal Decision

Site visit made on 9 November 2016

by Y Wright BSc (Hons) DipTP DMS MSc MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/Y2430/W/16/3155786

Brooksby Grange, Melton Road, Brooksby, Leicestershire LE7 4YT

- 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 Max Adatia against the decision of Melton Borough Council.
 - The application Ref 16/00177/FUL, dated 15 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is change of use from a stable to a self-contained flat (class C3) with front and rear dormers, solar panels and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be consistent with the principles of sustainable development having regard to the Framework and the development plan.

Reasons

3. Brooksby Grange is a large detached house set within a substantial plot located within the open countryside. The appeal site is located at the southern corner of the plot.
 4. Notwithstanding that the Appellant states in his grounds of appeal that the proposal would provide an annexe that would be ancillary to the residential use of the main house, the description of development on the planning application clearly refers to the scheme as being the change of use of a stable to a self-contained flat, not a residential annexe. There is no evidence before me to demonstrate that the proposed use as a residential annexe was clearly indicated to the Council during consideration of the application. I note that this is recognised within the Appellant's appeal documents. The Appellant's suggested imposition of a condition to secure use of the accommodation as being ancillary to the main dwelling, would not be appropriate in this instance, as this would not correspond with the development applied for.
 5. Furthermore the size of the accommodation, its layout and provision of self-contained facilities, together with its reasonable distance from the main house, would indicate that the property would be capable of being occupied as a separate private dwelling. My concerns on this matter are further enhanced by the separate access to the appeal site through existing individual gates off
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the adjacent shared lane and the separate and fairly secluded garden and parking area. Consequently I consider the appeal on the basis that the proposal is for a dwelling as defined on the planning application and not a residential annexe.

6. In support of the appeal my attention has been drawn to an appeal decision¹. Whilst this proposal consists of the conversion of an existing stable building to accommodation, the development is described as being ancillary to the main dwelling. Furthermore this appeal relates to a site located in the Green Belt in another local planning authority area with a different development planning framework. On this basis I do not consider that it is directly comparable to the appeal that is before me.
7. In addition the Appellant refers to development south of the appeal site, where conversion of agricultural buildings to a dwelling house was permitted in 2014 by the Council. However I have limited details of the proposal or the circumstances that led to it being accepted, so based on the evidence that is before me I cannot be sure that it is a direct parallel. In any case I must determine the appeal on its own planning merits.
8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 dictates that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in the determination of planning applications.
9. Policy OS2 of the Melton Local Plan 1999 (LP) seeks to protect the countryside outside the town and village envelopes from development, except for that set out in a list of five criteria. This list includes granting change of use of rural buildings. However this is subject to LP Policy C7 which deals specifically with the conversion of rural buildings and states that planning permission will not be granted to reuse and adapt a rural building for residential use, unless it is for an agricultural or forestry worker or is to provide affordable housing. The proposal does not accord with these exceptions.
10. I am mindful that the protection of the character and appearance of the countryside is consistent with one of the core principles of the Framework. However I consider that the more restrictive approaches to development within the countryside and rural buildings, set out in LP policies OS2 and C7, are not entirely consistent with the Framework's more flexible approach. Therefore whilst the proposal would be contrary to LP Policies OS2 and C7, I give these policies reduced weight.
11. The Framework states in paragraph 55 that '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*'. It specifically advises that isolated homes within the countryside should be avoided unless there are special circumstances. However I have no evidence before me that any of the special circumstances listed in paragraph 55 are relevant to this development. Whilst the proposal would re-use a currently unused building, I saw on my site visit that this is in a good state of repair and its change of use would not materially enhance its immediate setting. The proposal would result in a new dwelling in the open countryside.

¹ Appeal ref: APP/R0335/W/15/3019469

12. In addition, based on the evidence before me, it appears that the development would be at least a mile from the nearest settlement, with no footpaths along the main road to ease access. Therefore due to the appeal site's isolated location, access to day to day facilities and services would be heavily reliant on use of the private car. Consequently it would be likely that future occupiers of the dwelling would create additional travel needs by private car. This would be contrary to the Framework's overall intent to seek development in locations where services would be accessible by more sustainable travel options.
13. I recognise that the proposal would bring a mainly unused building back into use. The footprint of the building would not be extended and matters including highways and the design of the scheme would be acceptable. However these matters would not outweigh the harm I have identified.
14. I have also noted the Appellant's desire to maintain the property as part of Brooksby Grange, to renovate the building and the main dwelling to high standards of energy efficiency and to provide additional living space for his family and friends. Nevertheless I have considered the proposal on the basis of the development as set out on the planning application and therefore give these matters only limited weight.
15. Consequently, taking all the above into account, I conclude overall that the proposed development would fail to contribute to a sustainable pattern of development and would therefore conflict with the Framework. The proposal would also be contrary to LP Policies OS2 and C7, albeit that these policies have reduced weight.

Conclusion

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

Y Wright

INSPECTOR