

Appeal Decision

Site visit made on 29 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 22 December 2016

Appeal Ref: APP/A2335/W/16/3158144

Sea View Farm, Ringstones Lane, Lowgill, Lancashire LA2 8RB

- 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 George Morphet against the decision of Lancaster City Council.
 - The application Ref 16/00669/CU, dated 25 May 2016, was refused by notice dated 12 July 2016.
 - The development proposed is change of use and conversion of existing redundant agricultural buildings to form two dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council considered drawing number 1845-10C when making its decision. The appellant has submitted a revised drawing numbered 1845-10D with the appeal in an attempt to overcome some of the Council's concerns regarding the proposal. The revised drawing shows a number of amendments to the proposed window openings and a change to the boundary treatment for the rear gardens. In my view the amendments do not materially alter the proposal. As such I do not consider that any party would be unfairly prejudiced by me determining the appeal having regard to the amended drawing and I have therefore had regard to it in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and the surrounding area;
 - Whether the principle of the proposed dwellings in such a location is acceptable having regard to local and national policy;
 - Whether the proposal is acceptable in light of the presumption in favour of sustainable development.
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Reasons

Character and appearance

4. The appeal site comprises an existing part two storey, part single storey traditional barn building constructed from stone under roofs comprising stone, slate and corrugated sheeting. The barn contains a limited number of window and door openings. When determining the application the Council considered the building to be a non-designated heritage asset and given the apparent age and the character of the barn and its association with the wider agricultural landscape I have no reason to disagree with their findings and have determined the appeal accordingly.
5. The barn is located within a small farmstead and is attached to a traditional two storey farmhouse with a number of more modern agricultural buildings also located within the farmstead. The appeal site is located in an open and isolated rural location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) with the immediate surrounding area comprising improved pasture and moorland.
6. Though the proposal to convert the barn to two dwellings does not include any extensions, substantial alterations to the host building are proposed. As stated the host building contains a limited number of window and door openings and a significant number of new openings including rooflights are proposed as part of the conversion scheme. These new openings and other alterations including the addition of a number of external flues would result in the loss of the building's simple, utilitarian agricultural character. The appearance of the east elevation in particular would be significantly altered and I do not consider that the proposed alterations to the host building are sympathetic to the non-designated heritage asset.
7. In addition the rear garden areas of the proposed dwellings would extend out into an area of undeveloped improved pasture, beyond the line of the rear garden of the adjacent farmhouse. Though the size of the rear garden areas would be reasonably modest and whilst I note that the revised drawing shows that the rear garden boundaries would be formed by new stone walls, the new gardens would nevertheless encroach out into an undeveloped part of the AONB. At my visit I noted that despite the presence of nearby buildings on the farmstead and the topography of the land, the rear elevation of the host building and the area of land behind it within which the gardens would be formed are clearly visible from various vantage points along Ringstones Lane. The formation of the garden areas and their use for domestic purposes would alter and be harmful to the existing rural and open character of the area and would adversely affect the setting of the host building.
8. In reaching my decision I have had regard to the fact that the proposal would retain the non-designated heritage asset which may otherwise fall into further disrepair and would also involve the demolition of a number of existing outbuildings. However I note that the outbuildings are relatively modest buildings and whilst their demolition would help to improve the setting of the host building and improve the appearance of the wider farmstead, these benefits would not outweigh the harm that I have identified. In addition from the evidence available I am not satisfied that the proposal is the only available

means to retain the non-designated heritage asset. I also note the appellant's willingness to make further amendments to the elevational treatment if required but I must determine the proposal as shown on the submitted plans and consider that the extent of the alterations that are likely to be required could not be dealt with by the imposition of a condition.

9. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the host building and the surrounding area. It is therefore contrary to the development plan and in particular policies DM8, DM28, DM33, DM35 and DM42 of the Local Plan for Lancaster District 2011-2031 Development Management DPD (DMDPD) and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to protect the character of rural buildings and the character, rural setting and appearance of the surrounding landscape; to conserve and enhance protected landscapes; to ensure alterations to non-designated heritage assets are designed sympathetically and that the setting of the asset is protected and to contribute positively to the character of the area through good design.

Principle of development

10. The appeal site is located in an isolated position, some distance from other buildings and dwellings and from the small settlement of Lowgill and the larger settlement of High Bentham. The proposal would result in two new dwellings in an isolated location in the open countryside.
11. Policy DM42 of the DMDPD controls new housing in rural locations and states that new homes in isolated locations will not be supported unless clear benefits of development are articulated and these benefits outweigh the dis-benefits of development in an isolated location. The policy states that the special circumstances where potential benefits of isolated development may lead to more favourable consideration are described in paragraph 55 of the Framework.
12. Policy SC1 of the Lancaster District Core Strategy (CS) seeks to ensure that new development proposals are as sustainable as possible and sets out a number of principles that the Council will apply in determining whether development is sustainable. Policy DM20 of the DMDPD states that proposals should minimise the need to travel, particularly by private car and maximise the opportunities for the use of walking, cycling and public transport. I have had regard to the appellant's view that negligible weight should be attached to Policy SC1 given its age and given the advice regarding rural buildings in the Framework. However I do not agree as I consider that the policy is not inconsistent with the Framework which also seeks to support patterns of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. Consequently in reaching my decision I have given significant weight to Policy SC1.
13. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It further states that isolated new homes in the countryside should be avoided unless there are special circumstances such as those listed. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

14. The appellant considers that in light of the submitted sustainability statement and the number of services available within 3.5km of the appeal site, it is sustainable for a site in the countryside. However I note from the submitted evidence and from my site visit that the appeal site is located some distance from the limited facilities in Lowgill and even further from the wider range of facilities at High Bentham. The road network between the appeal site and local facilities in the main comprises undulating, narrow and unlit rural lanes with no footpaths. The road network does not lend itself to safe and convenient use by pedestrians or cyclists and as such I consider it likely that occupiers of the proposed dwellings would be heavily reliant on the use of motor vehicles to access facilities and services, particularly given the apparent lack of any public transport facilities nearby. Consequently the appeal site is not in an accessible location and the proposed dwellings would be isolated homes in the countryside.
15. Though both main parties agree that the host building is redundant and whilst I acknowledge that the removal of outbuildings and any associated tidying up of the site would help to improve the immediate setting of the building, for the reasons previously stated this benefit would be outweighed by the harm to the setting that would result from the proposed garden areas. The proposal would not therefore lead to an enhancement of the immediate setting and would be out of keeping with its surroundings which is generally characterised by open moorland and improved pasture. I do not consider that the proposal would meet the special circumstances test set out in paragraph 55 of the Framework.
16. In reaching my decision I have had regard to the fact that in some circumstances planning permission is not required for the change of use of former agricultural buildings to dwellings. However planning permission is required for the proposal and for the reasons stated, it is contrary to relevant policies. My attention has been drawn to a number of other sites where the Council has granted planning permission for the re-use of buildings for residential purposes. However I am not aware of the details or the particular circumstances relating to these examples and in any event I must determine the proposal before me on its own merits.
17. Taking the above matters into consideration, I conclude that the principle of the proposed dwellings in such a location is not acceptable having regard to local and national policy. The proposal is therefore contrary to the development plan and in particular Policy SC1 of the CS and policies DM20 and DM42 of the DMDPD. These policies seek, amongst other things, to direct development to sustainable locations and restrict new housing development in rural areas. I consider that they are consistent with the Framework when taken as a whole. The proposal would also conflict with paragraph 55 of the Framework as it proposes isolated homes in the countryside without any justification in terms of special circumstances.

Sustainable development

18. Both parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, in line with paragraph 49 of the Framework relevant policies for the supply of housing should not be considered up to date. I consider that Policy DM42 of the DMDPD constitutes such a policy.

19. Paragraph 14 of the Framework states that where relevant policies are out of date, 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; or specific policies in the Framework indicate development should be restricted.
20. The proposal would have some modest economic benefits by providing employment during the construction period and by supporting the local economy. There would also be some environmental benefits resulting from the retention of the non-designated heritage asset and from the removal of some outbuildings. The proposal would provide two additional dwellings and contribute to the range of housing available in the local area. However these benefits would be limited given that only two dwellings are proposed. The adverse impacts in terms of isolated dwellings in the open countryside and harm to the character and appearance of the host building and the surrounding area would significantly and demonstrably outweigh these limited benefits when assessed against the policies in the Framework taken as a whole.
21. I therefore conclude that the proposal is not acceptable in light of the presumption in favour of sustainable development.

Other Matters

22. In reaching my decision I have had regard to and have some sympathy for the appellant's desire to remain living at the appeal site. I also note that there is a significant amount of local support for the appellant and his proposal. However this does not justify the proposal which, for the reasons stated, is contrary to relevant development plan policies and the Framework.

Conclusion

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

Beverley Wilders

INSPECTOR