
Appeal Decision

Site visit made on 20 December 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 11 January 2017

Appeal Ref: APP/P0240/W/16/3159805

The Barnes, Edworth, Central Bedfordshire SG18 8AE

- 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 Anthony Smyth against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/00592/FULL, dated 10 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is described as 'Change of use of agricultural barn to two dwelling houses and external alterations comprising the insertion of windows and doors, raising of roof and re-cladding of walls and roof'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal property is spelt differently on the Council decision notice compared to the details provided in the application form. In accordance with normal practice I have used the details on the application in my decision.

Main Issues

3. The main issues in the appeal are:
 - (a) Whether the proposed dwellings, having regard to their location and effect on the character and appearance of the area, would be a suitable form of development in the countryside;
 - (b) The effect of the proposed development on the living conditions of occupiers of adjacent dwellings; and
 - (c) Whether the proposed development would provide satisfactory living conditions for its future occupiers.

Reasons

Policy context

4. Policies CS1 and DM4 of the Central Bedfordshire Core Strategy and Development Management Policies (CSDMP) 2009 set out a settlement hierarchy within which new development will be mainly focussed within defined Settlement Envelopes.
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5. The Council has accepted that it cannot demonstrate a 5 year supply of deliverable land for housing development. In such circumstances, paragraph 49 of the National Planning Policy Framework (the 'Framework') requires that relevant policies for the supply of housing should not be considered up to date. As they seek to guide the locations in which new housing development can be permitted, Policies CS1 and DM4 constitute 'relevant policies' in this context.
6. Although the Council has argued that it only has a limited shortfall in its 5 year land supply, the lack of a 5 year supply indicates that Policies CS1 and DM4 form part of a strategy which is not providing enough deliverable land for new housing as required by the Framework. These Policies also do not fully reflect the circumstances in which new homes can be allowed in rural areas as set out in paragraph 55 of the Framework. In accordance with paragraph 215 of the Framework, I have attributed reduced weight to these Policies in my decision. Policy DM12 of the CSDMP is not relevant as it relates to proposals for commercial development.
7. As relevant policies are out of date, paragraph 14 of the Framework requires planning permission to 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.

Would the proposal constitute a suitable form of development in the countryside?

8. The appeal site contains a single storey farm building, clad in corrugated metal, and is on the edge of a group of buildings in a mainly open, agricultural landscape. The appeal proposal would increase the height of the building and add a new first floor to form 2 three bedroom dwellings.
9. The site forms part of the dispersed settlement of Edworth, about 1 mile by road from the village of Hinxworth. Whilst Hinxworth contains a village hall, church and public house, and there is a tea room close to the site, the range of services in the immediate locality is limited. Although it is possible to walk to the shopping and employment uses at Stratton Business Park (on the edge of Biggleswade), public transport serving the appeal site is also limited and the roads close to it are mainly lacking in footways.
10. The proposed development would support those services which exist nearby. However, for reasons set out above its future occupiers would be likely to rely heavily on the private car to access jobs and services in the urban area of Biggleswade and elsewhere. Although the site forms part of a group of other buildings, the whole group is in an isolated location in the countryside. Paragraph 55 of the Framework states that local planning authorities should avoid new homes in such areas unless there are special circumstances.
11. Under bullet point 3 of paragraph 55 of the Framework, isolated new homes can be allowed where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
12. The Appellant has confirmed that the proposed works would re-use the existing internal structural timber frame of the building. Paragraph 55 also does not preclude the enlargement of buildings which are being re-used.
13. The submitted plans show, however, that the proposal would substantially increase the height, volume and massing of the building. Considerable changes to the structural elements of the building, running along its length, are

likely to be needed to support its increased height. New external walls would be provided around all four sides of the building, together with new load bearing plinths. It has not been demonstrated that the building is redundant or disused. For these reasons, I do not consider that the proposal would fall within the meaning of 're-use' in the context of paragraph 55.

14. By increasing the height of the building, the proposal would enable the roof space to be brought into use. As a result, the floorspace of the residential accommodation would be approximately double that which could be provided by a solely single storey conversion. However, due to the modest height of the existing structure, and the shape of its roof space, a single storey conversion need not lead to a particularly inefficient use of the building. By enabling a larger number of people to be accommodated, the increase in residential floorspace would also be likely to increase the amount of car borne traffic to and from this isolated location.
15. In visual terms, the proposal would secure the benefit of replacing the existing unsightly metal cladding with materials to match those used on the nearby dwellings. However, there are likely to be many dilapidated structures in the countryside and this factor does not justify the scale of the works proposed. Whilst the roof and eaves of the building as altered would have a simpler form than those on the existing building, I do not consider this point to weigh heavily in favour of the proposal. Parking areas would intrude into the currently open areas next to both ends of the building. The proposals as a whole would increase the prominence of built form in this rural setting.
16. I agree that prior approval CB/15/01753/PAAD (the 'fall-back scheme'), under which 2 dwellings can be provided at the site, forms an important material consideration. Like the appeal proposal, the fall back scheme would secure the replacement of the existing unsightly cladding. However, it would do so without increasing the bulk of the building. Having regard to the points which I set out earlier the appeal proposal would also not deliver any substantive benefits in relation to this main issue which would not be delivered by the fall-back scheme. In addition, whilst the Planning Practice Guidance¹ advises against a test of locational sustainability being applied to proposals such as the fall-back scheme, this advice does not apply to schemes which, like the appeal proposal, fall outside the prior approval process.
17. The appeal proposal would create 2 new dwellings in an area which currently does not have a 5 year deliverable supply of sites for housing development. As it would contribute to the Government's objective of significantly boosting the supply of housing, this would be a notable benefit. It would also lead to an increase in available spending power in the area. However, the proposal does not offer substantial benefits in these respects which would be over and above those which could be provided by a single storey proposal such as the fall-back scheme. Its effects on the overall scale of spending patterns on shops and other services would be very limited. No other substantive benefits would arise from the proposal.
18. For reasons set out above, I do not consider that the necessary special circumstances to justify the proposed dwellings in this isolated location have been demonstrated. The proposals would therefore conflict with the policies of the Framework in relation to this issue.

¹ Paragraph: 108 Reference ID: 13-108-20150305

19. The proposal would conflict with Policy DM4 of the CSDMP as it would not constitute a form of development outside a Settlement Envelope which is supported by this Policy. Whilst, as stated earlier, this Policy carries reduced weight it forms part of the adopted development plan. This point therefore adds further weight against the proposal.

Living conditions within adjacent dwellings

20. The nearby row of existing dwellings at The Barns is about 8 metres at its closest on the opposite side of the road from the appeal building, and contains a number of windows facing towards the appeal site.
21. Although the affected windows are all small and do not appear to provide a primary means of outlook or lighting, they nevertheless form the only ground floor windows on this side of the terrace. By increasing the ridge and eaves height along the entire length of the appeal building the appeal proposal would reduce the extent of outlook and daylight to some extent within them. Due to its positioning to the south west of these dwellings, the proposal would also lead to some loss of sunlight for limited periods during winter months.
22. Having regard to all these points, I consider that the proposal would cause limited harm to the living conditions of occupiers of adjacent dwellings, and a limited degree of conflict with the fifth bullet point of Policy DM3 of the CSDMP.

Living conditions within the proposed development

23. The Council's concerns relating to this issue focus upon the proposed reliance on rooflights to provide lighting for some of the bedrooms of the proposed dwellings.
24. I accept that the use of rooflights is common in barn conversions and that potential occupiers of the dwellings would be likely to be aware of the design of the development before moving in. I also agree that the proposal would not conflict materially with the extract of the Council's Design Guide which has been provided. The outlook from some of the ground floor windows would also be good due to the open, rural aspect to the rear of the building. Within each of bedrooms 2 and 3 of the southernmost dwelling the rooflights would be supplemented by a narrow gable window.
25. However, within bedrooms 2 and 3 of the northernmost of the dwellings, and bedroom 1 of the southernmost, the only source of natural lighting would be provided by roof lights. Within bedroom 1 of the northernmost dwelling the only opening to supplement the rooflights would be at close to floor level. Due to their positioning and angle of repose, the rooflights themselves are unlikely to provide a substantial means of outlook.
26. Having regard to the above points, I consider that the living conditions of future occupiers of the proposed development would have limited shortcomings due to the restricted outlook from the affected bedrooms.

Other Considerations

27. I note that planning permission has previously been granted for loft conversions in 1 and 3 The Barnes and for a roof extension at Ridgeway, and that the Appellant states that the nearby dwellings at The Barns were formed through a new-build scheme. However, it is not clear from the available details

that the circumstances concerning those cases precisely replicate those in the current appeal. I have in any event considered the appeal as I must on its own merits having regard to the points set out earlier.

28. The fall-back scheme does not weigh in favour of the proposal in relation to my second or third main issues covered above as it would avoid the harm that I have identified in relation to these issues.

Conclusions

29. I have found that the proposed dwellings would be in an isolated location in the countryside. I have also found that, whilst the proposal would deliver some benefits, the necessary special circumstances to justify the proposed dwellings in this location have not been demonstrated. Due to the resultant conflict with the policies of the Framework and development plan this matter carries substantial weight against the proposal. I have also found that the proposal would cause limited harm to the living conditions of occupiers of adjacent dwellings and that there would be limited shortcomings in the living conditions of its future occupiers.
30. Having carefully considered the arguments in favour of and against the proposed development, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. In addition, although the proposal would deliver economic and social benefits, due to its isolated rural location and the other factors which I set out earlier it would not constitute sustainable development as a whole as defined in paragraph 6 of the Framework.
31. As a result, the appeal is dismissed.

Jonathan Clarke

INSPECTOR