
Appeal Decision

Site visit made on 19 December 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/T0355/W/16/3157199

Unit 1, Coningsby Farm, Coningsby Lane, Fifield, Maidenhead SL6 2PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Michael Smyth against Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01887/FULL, is dated 3 June 2016.
 - The development proposed is the conversion and change of use of a barn to residential use incorporating an extension to the roof.
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Decision

1. The appeal is dismissed and planning permission is refused for the conversion and change of use of a barn to residential use incorporating an extension to the roof at Unit 1, Coningsby Farm, Coningsby Lane, Fifield, Maidenhead SL6 2PF.

Application for costs

2. An application for costs was made by Mr Michael Smyth against the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Background and Procedural Matters

3. Planning permission has previously been granted in 2015 for the conversion of the barn to a dwelling¹. This differs from the appeal scheme in that it did not propose to increase the roof height. Work has commenced on the permitted scheme and these initial works are common to both schemes.
4. The Council produced an officer's report assessing the current proposal, and also produced a decision notice outlining what their decision would have been if an appeal against non-determination had not been submitted. I have had regard to these putative reasons for refusal in my consideration of the appeal.
5. The Council has highlighted that in a subsequent application for an identical scheme, submitted after the appeal was lodged, a revised ownership certificate was received for part of the site. I note that the persons detailed on this certificate are aware of this appeal as they have made representations. I have taken these into account in my determination of the appeal. Should there have been an error on the appeal certificate, there is therefore no prejudice to any party.

¹ Application Reference 15/02645/FUL

Main Issues

6. The main issues in the appeal are:

- Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the *National Planning Policy Framework* (the Framework);
- The effect of the proposal on the openness of the Green Belt, and the purposes of including land within it;
- The effect of the proposal on the character and appearance of the area; and
- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. Paragraphs 89 and 90 of the Framework set out those categories of development which may be regarded as not inappropriate within the Green Belt, subject to certain conditions. The appeal scheme involves the change of use of an existing barn, and its enlargement by way of raising the roof by approximately 1m.
8. The Framework establishes in paragraph 90 that the re-use of existing buildings is not inappropriate, provided that the buildings are of a permanent and substantial construction, and that the development preserves the openness of the Green Belt, and does not conflict with the purposes of including land in it. The fourth bullet point of paragraph 89 also states that the extension and alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
9. Policy GB1 of the *Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003)* (WMLP) sets out those uses that are not inappropriate in the Green Belt. This allows for the change of use of buildings in accordance with Policy GB8, and residential development in accordance with Policies GB3-GB5. Policy GB3 allows residential development where it involves the re-use of a building in accordance with Policy GB8.
10. Policy GB8 sets out a number of criteria for the change of use of buildings within the Green Belt which include that the proposal must not have a materially greater impact on the openness of the Green Belt, and the purposes of including land within it, that the building is of a permanent and substantial construction and is in keeping with its surroundings, and that it would not require extensive reconstruction or materially increase its size.
11. Policy GB2 indicates that development within the Green Belt, including changes of use, should not have a materially greater impact on the openness of the Green Belt, and the purposes of including land within it, and should not harm the character of the countryside.
12. In that both Policy GB2 and GB8 place additional restrictions, related to the impact on the area, on the re-use of buildings, they are not fully consistent

with the Framework. In such circumstances, paragraph 215 of the Framework indicates that policies in existing plans should be given less weight. In any event, I shall be considering the impact of the proposal on the character and appearance of the countryside as a separate issue.

13. The Council has accepted that the barn is of a permanent and substantial construction, and nothing I have seen or read leads me to come to a different conclusion. Moreover, the Council has already granted permission for its conversion to a dwelling, although as I observed at my site visit this involves considerable work to the external fabric of the building itself. As such, subject to consideration as to whether the proposal meets the criteria regarding the openness and the purposes of the Green Belt, which I address below, the re-use of this building in itself would not be inappropriate.
14. However, the proposal it not only for the re-use of the barn but also includes the addition of an extension by way of raising the roof by approximately 1m. This would involve increasing the height to the eaves as well as to the ridge. The Framework does not give a definition of what constitutes a disproportionate addition, and the Council has not given any indication that there is a local plan policy on this matter either. As such, this is a matter of judgement for the decision maker.
15. I have not been provided with any indication of how much the volume of building would be increased by the proposed extension. However, the appellant has indicated that the raising of the roof would represent an increase in height of 13.5%. Nevertheless, the Council have highlighted that this only relates to the increase in one of the multiple ridge heights on the barn, and they have set out the proportions by which the heights (both to the eaves and the ridge) the various main elements would be increased. These range from 12.5% to 25%.
16. Whilst the overall height increase may not be excessive, I agree with the Council that the mass and bulk of the resulting dwelling would be significantly increased. As a consequence, I consider that an increase of this scale to the overall structure would represent a disproportionate addition to the property.
17. Therefore, irrespective of my conclusion regarding the impact of the proposal on the openness, and the purposes of including land within the Green Belt, the size of the extension means that the proposed scheme does not fall within the fourth bullet point exception of paragraph 89 of the Framework.
18. Consequently, in not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt. According to paragraph 87 of the Framework this is, by definition, harmful to the Green Belt, and should only be approved in very special circumstances. It would also be contrary to policies GB1, GB2 and GB8 of the WMLP.

Openness and Purposes of Green Belt

19. Openness is an essential characteristic of Green Belts. It can be considered as the absence of buildings or development. Although the raising of the roof height would not increase the footprint of the building, the mass and bulk of the property would still be increased by additional built development, and so the openness of the Green Belt would be reduced. Whilst, as set out below, I accept there is limited visibility of the barn, this does not mean that the

proposal would not affect the openness, as a lack of visibility does not in itself mean that there would be loss of openness. Therefore, although in isolation the loss of openness would be very limited, nonetheless, there is a degree of harm arising from this, in addition to that arising from the inappropriate nature of the development.

20. The purposes of including land within the Green Belt are set out in paragraph 80 of the Framework. As the extension would increase the height of the building it would not result in any encroachment into the countryside. The Council has not suggested it would be contrary to any of the other purposes of including land in the Green Belt. The lack of harm in these respects would have a neutral effect.

Character and Appearance of the area

21. The appeal property is set back some distance from Coningsby Lane, and forms one of a number of agricultural buildings that are now vacant, although I understand from the appellant's statement that some of these also have approval to be converted into dwellings. A large detached house, that replaced the former farmhouse, lies between the site and the lane, and there are a number of other houses and barn conversions on the other side of the road. However, the site lies in the open countryside, outside the settlement boundary of Fifield, and surrounded mainly by open fields.
22. At present the nearby buildings, and the roadside vegetation along Coningsby Lane and Green Lane, means there is only limited visibility of the barn from the public realm. Whilst the proposal would increase the bulk and height of the building, these changes would not be readily visible. Moreover the height of the building would not appear significantly different to the other dwellings in the immediate vicinity, many of which I observed have steep pitch roofs. Moreover, the proposed conversion would retain the agricultural nature of the building.
23. Consequently, I am satisfied that the proposal would preserve the character and appearance of the area. Accordingly, there would be no conflict with Policy DG1 of the WMLP that requires that development should not cause harm to the character of the surrounding area.

Other Considerations

24. The appellant has highlighted that the barn already has permission for conversion to a dwelling. He considers that this fallback position represents a "very special circumstance". However, that permission does not seek to extend the existing building, as is proposed in the appeal scheme, and I have concluded that it is the size of the extension that makes the appeal scheme inappropriate.
25. The Framework seeks to significantly boost the supply of housing. However, I have not been provided with any evidence to indicate that there is a lack of housing land within the borough, and in any case the Planning Practice Guidance states that "unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt."
26. The Framework also encourages the redevelopment of brownfield sites. However, I understand that the last use of the building was for agricultural

purposes, and Annex 2 of the Framework specifically excludes land occupied by agricultural buildings from the definition of previously developed land.

Other Matters

27. The Council has highlighted that there are known to be Great Crested Newts in a pond within 50m of the site, and that there are bats in the area. But on the basis of the ecology reports submitted with the more recent application the Council has no objection in this regard. Although these reports have not been put before me in this appeal, I have no reason to disagree with this conclusion of the Council.
28. My attention has been drawn to the recent appeal decision² that granted prior approval for the conversion of another of the buildings in the farmstead to be converted to residential. However, as this was a prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, the matters under consideration were different to those that apply in this appeal.

Conclusion

29. To conclude, the appeal proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful to the Green Belt. It would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt. Despite having regard to all the other considerations put before me, I consider that taken together, the factors cited in its favour do not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework and Policies GB1, GB2 and GB8 of the WMLP.
30. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

² Appeal reference APP/T0355/W/16/3148826