

Appeal Decisions

Site visit made on 17 January 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 25 January 2017

Appeal A: APP/T3725/W/16/3163433

The Barn, Church Road, Norton Lindsey, Warwickshire CV35 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs John Briggs against the decision of Warwick District Council.
 - The application Ref W/16/0535, dated 21 March 2016, was refused by notice dated 14 June 2016.
 - The development proposed is the change of use of an existing annexe to a single dwelling house.
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Appeal B: APP/T3725/W/16/3163438

The Barn, Big House Farm, Church Road, Norton Lindsey CV35 8JE

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J & C Briggs against the decision of Warwick District Council.
 - The application Ref W/16/1308, dated 14 July 2016, was refused by notice dated 7 September 2016.
 - The development proposed is the change of use from an annexe to a holiday let.
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Decisions

Appeal A: APP/T3725/W/16/3163433

1. The appeal is allowed and planning permission is granted for the change of use of an existing annexe to a single dwelling house at The Barn, Church Road, Norton Lindsey, Warwickshire CV35 8JE in accordance with the terms of the application, Ref W/16/0535, dated 21 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Before the development begins details shall be submitted to and approved in writing by the local planning authority of the garden area and access for the proposal, together with any necessary boundary treatments, and the garden area, access and any boundary treatments shall be provided in accordance with the approved details before first occupation and thereafter retained.

Appeal B: APP/T3725/W/16/3163438

2. The appeal is allowed and planning permission is granted for the change of use from an annexe to a holiday let at The Barn, Big House Farm, Church Road,
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Norton Lindsey CV35 8JE in accordance with the terms of the application, Ref W/16/1308, dated 14 July 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Before the development begins details shall be submitted to and approved in writing by the local planning authority of the garden area and access for the proposal, together with any necessary boundary treatments, and the garden area, access and any boundary treatments shall be provided in accordance with the approved details before first occupation and thereafter retained.

Preliminary matters

3. The Appellants said that planning permission for the change of use of this outbuilding to living accommodation was not now required, as such a change was in fact authorised by a permission from 2010 to create a studio (the 2010 permission). However, that is not a matter for me to consider and my decision has no bearing on the outcome of any application that may be submitted at a later date under sections 191 and 192 of the Act (as amended).
4. I have considered Appeal A in the light of the amended description agreed by the parties.

Main Issues

5. The appeals concern 2 different uses, but this has had no material effect on my reasoning below. Therefore, for both appeals I consider the main issues to be
 - a) the effect of the development on the character and appearance of the area, having regard to the site's relationship to a listed building and a conservation area, and its location within the designated countryside and the Green Belt;
 - b) the impact on living conditions of existing neighbours and future residents and
 - c) the effect on highway safety.

Reasons

Character and appearance of the area

6. Big House Farmhouse is Grade II listed and is in the village of Norton Lindsey. The agricultural buildings around its yard have been converted to houses with associated gardens, but the significance of the complex as a historic farmstead of appreciable status is still apparent. The Norton Lindsey Conservation Area covers much of the village, and its significance lies in part in the manner in which it encompasses a range of buildings that reflect the organic evolution of this rural settlement.
7. These appeals concern an outbuilding that lies just outside the conservation area, but stands within the grounds of The Barn, one of the converted former agricultural buildings around Big House Farmhouse. Following the 2010 permission the outbuilding has been altered to create a studio. It is the

Council's view that the 2010 permission only allowed the outbuilding to be used in connection with, and not independently of, The Barn.

8. The 2 proposals involve no physical alterations to the outbuilding either inside or out. While the formation of a garden may necessitate new boundary treatments, the grounds of The Barn are already crossed by trellises and similar. Therefore, if suitably designed and controlled by condition, such boundary treatments need not be harmful to the surrounding historic environment. Consequently to my mind the proposals will not adversely affect the significance of the listed building or the setting of the conservation area.

Norton Lindsey is within the designated open countryside but the Council accepts that the conversion of this structurally sound rural building to the uses proposed is acceptable. Mindful of the building's condition, the limited works intended and its location within the village, this is a view I share. The site is also in the Green Belt and the *National Planning Policy Framework* (the Framework) says the re-use of a building in such an area is not inappropriate development provided that it is of permanent and substantial construction, and provided that the works preserve openness and do not conflict with the purposes of including land in the Green Belt. Again, given the state of the building, its location and the limited level of change that would occur, neither proposal would be inappropriate development in the Green Belt.

9. Nonetheless the Council contended that the proposed uses would be contrary to the established pattern of development in the settlement as the building does not have an active frontage to a highway. Across Norton Lindsey recently built housing tends to front onto the road, though I noted some modern development in depth further along New Road at Hawkes Hill Close. However, the older properties in the village, together with their associated outbuildings, do not have such a strong relationship to the highways. In particular the group of buildings around Big House Farmhouse are set back behind properties on Church Lane and New Road and its position relative to that complex means the outbuilding before me would not be isolated. I am mindful too that the Council accepts this outbuilding can be used as ancillary residential accommodation to The Barn in any event, while its siting in one corner of The Barn's curtilage would not result in an unsatisfactory relationship between the 2 properties. Therefore the fact that the building is set back from the road behind others does not result in the proposals being discordant in the village.
10. Accordingly taking these factors together I conclude that the use of the outbuilding as either living accommodation or a holiday let would not be inappropriate development in the Green Belt, would not harm the settings of the conservation area or adjacent listed building, would not be unacceptable development in the countryside and would not conflict with the pattern of development in the village to any material degree. Therefore, the proposals would not detract from the character and appearance of the area and so in this regard would not conflict with Policies DP1, DAP4, DAP8, RAP1 and RAP7 in the *Warwick District Local Plan* or the Framework.

Living conditions

11. In each appeal access to the building would be by foot only along a passage running from New Road. The Council contended such an access would be undesirable and inconvenient, although little detail was given as to precisely why it made such a contention. However, whilst a more direct access from the

road may be preferable to my mind the passage is not unduly long or enclosed and so as an access it would not result in unreasonable living conditions for those occupying the outbuilding. Moreover, the houses to either side do not have principal windows looking onto the passage and its use would be limited, and so the neighbouring residents would not experience an undue loss of privacy or unacceptable noise disturbance in either their dwellings or gardens.

12. Its orientation and distances mean there would be no appreciable over-looking of the properties around from within the outbuilding. A condition would be needed to ensure a suitable garden was provided, but that could still leave sufficient amenity space for The Barn.
13. Accordingly I conclude the developments would not result in unreasonable living conditions for either future residents or adjacent occupiers, and so would not conflict with Local Plan Policy DP2.

Highway safety

14. Under both appeals any cars connected with the development could not be parked on site as it would have no vehicular access. The Appellants said 2 spaces would be available on the car park of The New Inn, but no agreement to that effect was before me. In any event, when I visited concrete blocks were across the car park entrance and I had no indication as to when, if ever, parking would be possible there. I have consequently given the possible use of that car park little weight.
15. As a result, all traffic would have to park on the carriageway of New Road. This is lined by houses that have plenty of on-site parking provision so I anticipate that spare capacity exists on the road itself. Moreover, the road is straight and relatively wide with a street light near the passage entrance and so, even accounting for any agricultural traffic that may pass by, parked vehicles should not be an impediment.
16. Accordingly I conclude that reliance on parking on the road would not result in harm to highway safety and so in this regard would not conflict with the Framework.

Conditions

17. A garden area and access should be provided and retained in each case and any boundary treatment should be agreed. While Appeal B is for holiday accommodation only given my findings in relation to Appeal A I see no reason for it to be so controlled by the imposition of a further condition. Moreover, as both schemes propose no alterations it is unnecessary to impose any conditions relating to the development being in accordance with the plans.

Conclusions

18. For the reasons given above both appeals should be allowed.

J P Sargent

INSPECTOR