
Appeal Decision

Site visit made on 19 December 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/R2330/W/16/3159784

Hill Top, Brownsills Farm, Mill Lane, Great Harwood, Blackburn, Lancashire BB6 7UQ

- 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 Eddie Charlesworth against the decision of Hyndburn Borough Council.
 - The application Ref 11/16/0091, dated 20 September 2015, was refused by notice dated 24 May 2016.
 - The development proposed is to convert and extend existing stable to form dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of an existing stable building to form a dwelling at Hill Top, Brownsills Farm, Mill Lane, Great Harwood, Blackburn, Lancashire BB6 7UQ in accordance with the terms of the application, Ref 11/16/0091, dated 20 September 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, drawing numbers 54A, 54B, 54C and 54D.
 - 3) The materials to be used in the conversion and extension hereby permitted shall be as stated on the application form and the approved drawings.
 - 4) Prior to the formation of the proposed parking spaces, full details of the proposed fencing and surfacing material to be used for the parking spaces shall be submitted to and approved in writing by the local planning authority. The development of the parking spaces shall be carried out in accordance with the approved details.

Procedural Matter

2. The Council has cited Policy S1 of the Borough of Hyndburn Local Plan (adopted November 1996) (LP) in one of its reasons for refusal. However Policy S1 has been deleted and is no longer a saved LP policy as it did not add anything to national policy. Consequently I have not had regard to Policy S1 in reaching my decision.
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Main Issues

3. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the character and appearance of the host building and the surrounding area;
- whether the principle of the proposed dwelling 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.

Reasons

Whether the proposal is inappropriate development

4. The appeal site comprises a relatively modern single storey stable building that is proposed to be extended and converted to form a dwelling. The building is modest in scale and appearance and is located adjacent to a smaller building that is also located within the appeal site and is proposed to be retained as part of the proposal. There are also a number of other buildings in the immediate vicinity of the appeal site including the appellant's dwelling and an open fronted agricultural building. The appeal site is located in the Green Belt.
5. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Paragraph 90 of the Framework states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. The Council has cited Policy S2 of the LP in one of its reasons for refusal which states that in the Green Belt planning permission may be given for the rehabilitation and re-use of buildings provided that the proposal meets the criteria of the Council's adopted policy for the conversion of buildings in the countryside. This is set out in Appendix 1 of the LP. Though the requirements of the policy and the appendix are generally more onerous than the Framework, Policy 4 of the appendix is broadly consistent with the Framework and as such I have had regard to it in reaching my decision.
7. The Council estimates that the proposed rear extension to the stable building amounts to a 31% increase in volume and concludes that the extension is not substantial. Though I note that there is no definition within the Framework as to what amounts to a disproportionate addition, having regard to the overall size of the extension including its external dimensions, height, volume and floorspace relative to the size of the original stable building I do not consider it to be disproportionate. Consequently I consider that the extension of the

building would not be inappropriate development having regard to paragraph 89 of the Framework.

8. A structural survey was submitted with the application and concluded that the stable building is structurally sound and that no substantial rebuilding of the existing walls would be required to facilitate the proposal. Though I have had regard to the Council's concerns regarding the structural condition of the stable building and to the amount of alterations required to re-use it as a dwelling, from my observations on site and in the absence of any substantive evidence to the contrary, I agree with the findings of the structural survey.
9. In addition having regard to the modest scale of the proposed dwelling and its residential curtilage, I consider that the re-use of the building would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. Though I have had regard to the Council's concerns regarding domestication and a possible intensification of use in the future, I do not share these concerns having regard to the nature and modest size of the proposed dwelling and residential curtilage. Consequently I consider that the re-use of the building would not be inappropriate development having regard to paragraph 90 of the Framework and to Policy S2 of the LP.

Character and appearance

10. As stated, the stable building is relatively modern and utilitarian in appearance with blockwork walls, some of which are rendered, under a corrugated sheet roof. The host building has two existing door openings in the front and rear elevations. The appeal site is set within a small group of buildings including natural stone buildings under blue slate roofs.
11. Though the proposal would include a number of alterations to the host building including stone cladding, an extended new slate roof and a number of new window and door openings, it would remain a modest and simple building. The external materials proposed would improve the visual appearance of the host building and would result in a building more in keeping with its surroundings. The proposed residential curtilage would be relatively small in scale and depth and would be positioned between a large agricultural building and land surrounding the appellant's dwelling. Consequently its visual impact would be limited.
12. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the character and appearance of the host building and the surrounding area. It therefore complies with Policy S2 of the LP which seeks, amongst other things, to ensure that the design, materials and architectural detailing of the building and the design and layout of the curtilage of the site is appropriate to the building and its surroundings.

Principle of development

13. The appeal site is located within a small group of buildings accessed off a single track road and separated from the nearby settlements of Clayton-le-Moors and Great Harwood. Policy BD1 of the Hyndburn Core Strategy (CS) states that development within the rural area will be limited to that supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character, neither of which appears to be the case with the proposal.

14. Policy RA1 of the CS states that within settlements within the rural area housing development will be limited to that needed to meet specific local needs and satisfy the requirements of Green Belt and other rural policies. The supporting text to Policy RA1 states that policy will be developed in the Development Management DPD that provides for the redevelopment or conversion of existing buildings in rural areas, recognising the value of utilising suitable, underused buildings in those areas. Though this policy has been cited by the Council in one of its reasons for refusal, it does not appear to be relevant to the proposal which is not located in a settlement.
15. Policy ENV4 of the CS relates to sustainable development and climate change. It seeks to minimise negative impacts on the environment and mitigate against the likely effects of climate change by, amongst other things, ensuring that new development is in sustainable locations, is accessible to goods and services, can be accessed on foot and by bicycle and improves links with public transport networks.
16. Paragraph 55 of the Framework is also relevant to the proposal as it relates to housing in rural areas and 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 enhancement to the immediate setting.
17. Though the distance from the appeal site along Mill Lane to Whalley Road is not significant, the topography, narrow width and unlit nature of the route is such that I consider it unlikely that future occupiers of the dwelling would access goods and services on foot and by bicycle. However having regard to the works proposed to the stable building and the surrounding land, I consider that the proposal would re-use a redundant building and lead to an enhancement of its immediate setting. The proposal therefore accords with paragraph 55 of the Framework.
18. Taking the above matters into consideration, I conclude that as the proposal is for a new unrestricted dwelling in a rural area and does not provide access to goods and services on foot and by bicycle, it would conflict with CS policies BD1 and ENV4. These policies seek to, amongst other things, direct development to sustainable locations and restrict new housing development in rural areas.

Sustainable development

19. 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 BD1 of the CS constitutes such a policy.
20. 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. Though the appeal site is located in the Green Belt where restrictive policies apply, I have found no harm to the Green Belt.

21. 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 proposed improvements to the appearance of the host building and surrounding area. The proposal would provide an additional dwelling and contribute to the range of housing available in the local area. Whilst some of these benefits would be limited given that only one dwelling is proposed, and though access to goods and services on foot or by bicycle would be limited, in this case I consider that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. I therefore conclude that the proposal would be sustainable development and is acceptable in light of the presumption in favour of sustainable development.

Conditions

23. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed conditions regarding the materials to be used for the host building and for the proposed car parking spaces. This is in order to protect the character and appearance of the area. I have not imposed the suggested condition removing permitted development rights for certain development to be carried out. In the absence of a clear justification for the imposition of such a condition I do not consider that it passes the test of necessity bearing in mind that the National Planning Practice Guidance advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances.
24. Though not suggested by the Council I note that a number of other conditions were recommended by a number of consultees on the application. However whilst I have had regard to these, I do not consider that any are necessary given the nature, scale and location of the proposal.

Conclusion

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

Beverley Wilders

INSPECTOR