The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 15th February 2017

Appeal Ref: APP/H1840/D/16/3164824
The Combertons, Pensham Fields, Pershore,WR10 3HD

- 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 Mrs Jane Brothwood against the decision of Wychavon District Council.
- The application Ref W/16/01578/PP, dated 16 June 2016, was refused by notice dated 9 November 2016.
- The development proposed is the conversion of existing barn to provide annexe to provide: gym; games room; and ancillary accommodation.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing barn to provide annexe to provide: gym; games room; and ancillary accommodation at The Combertons, Pensham Fields, Pershore, WR10 3HD, in accordance with the terms of the application Ref W/16/01578/PP, dated 16 June 2016, 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: 581-0033A; 488-001 and 581-002B.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Combertons, Pensham Fields, Pershore.

    5) Prior to the commencement of the development hereby permitted a detailed working method statement for bats shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on and shall incorporate the mitigation and enhancement measures as set out in section 6 of the Bat Survey report, Issue V1.0 by Sharpe Ecology, dated September 2016. The works shall thereafter be carried out in accordance with the approved details.

6) Before the commencement of development hereby approved, a site investigation of the nature and extent of contamination shall be carried out. A site investigation methodology shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the investigation. Before the commencement of construction works on the development hereby permitted, the result of the site investigation shall be submitted to, and approved in writing by the local planning authority. If this report identifies any contamination, the report shall specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, as well as an implementation timetable. The site shall be remediated in accordance with the approved measures and timetable.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building.

Reasons

3. The appeal building is a predominantly timber-clad barn with a tiled roof, which is situated in open countryside. It forms part of a group of former agricultural buildings that have been converted into residential use. The building is within the curtilage of the appellant's dwelling and is presently used for domestic storage.

4. The proposal is to convert the building into an annexe, which would provide ancillary accommodation in the form of a gym and a games room, plus two bedrooms, each with an en-suite. Roof lights would be inserted on the side-facing roof slopes. The proposal also includes a small extension to provide an enclosed balcony and a fully-glazed rear elevation, which would provide expansive views of the countryside to the south of the site. In addition, new boundary walling is proposed at the side and rear of the site.

5. The Council does not object to the principle of the conversion, provided that the use remains ancillary to the existing dwelling. I have no reason to disagree with the Council's view on this. However, the Council argues that the proposed balcony and glazed rear elevation to the building would have a domesticating appearance that would be harmful to the plain and simple agricultural character and appearance of the existing building.

6. As a result, the Council considers that the proposal would conflict with Policies SWDP1 and SWDP2 of the South Worcestershire Development Plan 2016. These policies seek to ensure that development is sustainable (which includes the protection and enhancement of the environment); and is of high quality design. In my opinion, these policies accord with the provisions of the National Planning Policy Framework (the Framework), which (amongst other things) requires new development to be of high quality design and to respond to local character and history (paragraphs 17 and 58).

7. The appeal building currently has a plain and simple appearance, which reflects its history as an agricultural building. However, it is not listed and neither is the site within a conservation area. Whilst the proposal would alter the appearance of the southern elevation of the building, I consider that the shape and basic form of the original building would remain. The proposed balcony would be

enclosed by the side walls of the extension and, consequently, the appearance of the side elevations would not change (apart from the rooflights and the walls being slightly longer). In my opinion, the proposal would not be unacceptably harmful to the character or appearance of the building and, therefore, it would not conflict with the provisions of the Development Plan or with the Framework, as referred to above.

Conditions

8. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

9. To ensure a satisfactory appearance, a condition requiring the use of external materials to match the existing dwelling is also necessary.

10. A condition is also required to ensure that mitigation and enhancement measures are undertaken to ensure the protection of bats within the building.

11. The Council has also suggested that a condition should be imposed requiring a site investigation and remedial works be carried out in respect of possible contamination. Whilst the development is relatively minor in terms of built development, I consider that the former agricultural use could have resulted in some contamination and therefore, a condition is necessary.

Conclusion

12. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR