
Appeal Decision

Site visit made on 20 February 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 3 March 2017

Appeal Ref: APP/L1765/W/16/3161434

Watley Farm, Locks Lane, Sparsholt, Hampshire, SO21 2LU

- 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 P Hunt against the decision of Winchester City Council.
 - The application Ref 16/01465/FUL, dated 29 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the conversion of an existing portal framed barn to residential use, with the provision of an associated residential curtilage for the proposed dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr P Hunt against Winchester City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are: (i) The effect of the barn conversion on the character and appearance of the surrounding area, and; (ii) Whether the appeal site is a suitable location for a dwelling having regard to local and national planning policy.

Reasons

Character and appearance

4. Watley Farm is located in an area of countryside, outside of the settlement boundary of the village of Sparsholt. It is accessed via a long driveway off of Locks Lane. The area surrounding the appeal site is an open rural landscape designated as the Sparsholt Woodlands Character Area. Two of the key strategies for maintaining the landscape of this area, set out in The Winchester District Landscape Character Assessment (LCA), are to minimise the impacts of modern non-agricultural land uses on the landscape and to conserve and respect the nucleated form of the settlement of Sparsholt.
 5. The barn to be converted sits in an isolated group of agricultural buildings away from other dwellings. It is clearly visible from an adjacent footpath and views are also possible from Watley Lane. It is the largest and most prominent barn in the group and has a very obvious agricultural and functional appearance which is appropriate given its rural environs. It is not domestic in scale having
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a far greater footprint and overall bulk than Watley Farm House located to the south, which is a relatively large detached dwelling.

6. The proposed conversion of this barn would include the insertion of walls and windows which would give it a much more obvious domestic appearance. Given its isolated position and its overall size, as a dwelling, it would appear as an incongruous and conspicuous addition to the landscape, completely out of scale with the few examples of more modest rural dwellings in the vicinity. Furthermore, the general domestication of the site, such as the creation of residential curtilage and light spill from windows at night, would result in additional harm to the surrounding undeveloped rural landscape.
7. I have considered the mitigation measures put forward in the appellant's Landscape and Visual Impact Assessment which includes native planting and the use of appropriate materials in the conversion but conclude that these would not sufficiently overcome the harm I have found. I therefore find that the proposal would harm the character and appearance of the surrounding area contrary to policies DP.3 and DP.4 of the Winchester District Local Plan Review (2006) (LP) and CP.20 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013) (CS) which, broadly speaking, seek to maintain the district's landscape. It would also be contrary to the objectives of the LCA.
8. The Council also refer to emerging policies in the Winchester District Local Plan Part 2 but this document has not yet been adopted and does not form part of the development plan. In any event, the general approach of the emerging policies relevant to the appeal does not differ significantly from the policies above.

Suitable location

9. In order to promote sustainable development in the countryside, where there are only very small communities or isolated dwellings, the Council seeks to limit development to that which has an essential need to be located there. To this end Policy MTRA 4 of the CS sets out the types of development that may be acceptable in the countryside, which include the reuse of existing rural buildings for employment, tourist accommodation, community use, or affordable housing which meets demonstrable local needs. Clearly the proposal, being for a new open market residential use, would conflict with this policy.
10. Policy CE.24 of the LP is also relevant. This allows the change of use of existing non-residential buildings to residential use where (i) the building is of a design and construction that is suitable for conversion without substantial works; and (ii) it can be demonstrated that all reasonable efforts to secure a re-use for economic development purposes have been unsuccessful; or (iii) the building or its location are unsuitable for employment use.
11. In respect of CE.24 (i) the appellant has submitted an Inspection Report on the barn. This finds the steel portal frame to be structurally capable of conversion to residential use. Nevertheless, the proposed conversion would require a new ground bearing insulated slab as there is currently no floor structure to the barn. Furthermore, a first floor, internal stud walls, and new steel beams between the existing steel columns to support new timber framed elevations would be required. Currently the building is open on all four sides save for low concrete wall panels which have no foundations. Policy CE.24 does not define

'substantial works'. However, the extent of works required to convert the barn would, in my opinion, be substantial and as such would conflict with Policy CE.24 (i).

12. I have noted appeal decision APP/L1765/A/14/2224168 which relates to the conversion of barns to residential dwellings in Itchen Abbas. The Inspector in this appeal concluded that although a number of works were required such as renewing the existing roof covering and timber wall cladding, and the installation of a new floor, these did not constitute substantial works and as such did not conflict with Policy CE.24 (i). I do not have the full details of this appeal before me but from the decision letter it is clear that the barn(s) to which this appeal decision refers had more substantial elevations than the barn before me. The appeal decision states that these were formed of low brick and flint walls which supported a timber frame, both of which were said to be in a reasonable condition and would be used in the conversion. Each appeal is determined on its own planning merits and, on the evidence before me, I do not consider the above appeal to be so directly comparable to that which is before me so as to lead me to alter my findings above.
13. In terms of Policy CE.24 (ii) and (iii) the appellant has submitted a Commercial Viability Report which concludes that both office and tourism uses would be unviable at the appeal site. However, the report does not consider small scale storage or industrial uses which could be suitable having regard to the constraints of the site. In any event, a marketing exercise has not been undertaken to ascertain any alternative demand for the building. The proposal would therefore also conflict with Policy CE.24 (ii) and (iii) as it has not been demonstrated that all reasonable efforts to secure a re-use for economic purposes have been unsuccessful or that the location of the barn is unsuitable for employment use.
14. I turn now to national policy. Paragraph 55 of the National Planning Policy Framework (the Framework), like policies MTRA 4 of the CS and CE.24 of the LP, seeks to promote sustainable development in rural areas. This states that isolated homes in the countryside should be avoided unless there are special circumstances. These include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The appellant makes the case that the proposal includes the demolition of three smaller adjacent barns which are said to be unsightly. These are, however, significantly smaller than the barn to be converted. Their demolition would therefore do very little to enhance the immediate setting of the appeal site which is dominated by the appeal building, and in fact, would further expose the unsuitable nature of the development.
15. In light of my findings above the proposal would conflict with policies MTRA 4 of the CS, CE.24 of the LP, and with the Framework, and as such would not promote sustainable development in rural areas. It has not been demonstrated, therefore, that the appeal site is a suitable location for a dwelling. In coming to this conclusion I have also noted an officer's report recommending approval of a redundant agricultural building to residential use in the curtilage of the Grade II listed building, Crabwood Farmhouse. This report is very brief, gives only a recommendation of granting planning permission, and provides me with very limited information overall. Therefore I can only afford it very limited weight and as such it does not alter my conclusions on the second main issue in this appeal.

Other matters

16. The appellant has referred to two applications for prior approval for the change of use of agricultural buildings to residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015. However, these are materially different to that which is the subject of the appeal before me which relates to an application for planning permission.
17. I note there is a lot of local support for the proposal. I also acknowledge that the conversion of the barn to a residential use would provide modest benefits in terms of contributing to local housing supply, and that future occupants would likely support goods and services in the village. However, these matters do not outweigh the harm I have found.
18. Finally, I note Councillor Eleanor Bell's comments on the financial circumstances of the appellant. These comments are not backed up by the appellant themselves, but in any event, as set out in the Planning Practice Guidance, the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests, such as those alluded to, cannot be a material consideration. I find no reason in this case, to take an alternative view.

Conclusion

19. For the reasons given, and having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR