
Appeal Decision

Site visit made on 22 February 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/F2415/D/17/3167163

Poultney Barn, Lutterworth Road, North Kilworth, Lutterworth LE17 6JF

- 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 & Mrs Mark Hamer against the decision of Harborough District Council.
 - The application Ref 16/01230/FUL, dated 29 July 2016, was refused by notice dated 13 December 2016.
 - The development proposed is Proposed Extensions/Alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Owing to genuine confusion over procedure on the part of the appellants, I accepted a late representation from them and allowed the Council an appropriate opportunity to comment.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the converted barn within its setting having regard to the intentions of relevant policy.

Reasons

4. The appeal site is a converted brick and slate barn in an isolated location in the countryside. The manner of its conversion is such that it retains much of the simplicity of structure and plan form that would have marked it out as an agricultural building in an agricultural context. Although set down in a fold in the land it is nevertheless visible from various points in the wider landscape, including neighbouring property some way to the west. The fenestration remains sufficiently simple to keep it reasonably true to its origins. It has accrued a modest extension, allowed as part of the original scheme of conversion, but in essence its character and appearance remains that of a long, low, utilitarian building of the type it is unsurprising to find in such a situation.
5. A new build project here would not have complied with the principle set out in the National Planning Policy Framework ('the Framework') that isolated new homes in the countryside should generally be avoided and, while the merits of the original conversion are not a matter for me an exception to that principle

would, in the context of the Framework as subsequently published in 2012, be allowable, for example, on the basis that the barn was redundant or disused and conversion would enhance its immediate setting. This would be consistent with the core principle of that document which encompasses recognition of the intrinsic character and beauty of the countryside. The policy intention does not contemplate effectively new dwellings in the countryside other than on the basis of special circumstances of the type set out in paragraph 55.

6. Policy CS11 of the Council's Core Strategy pre-dates the Framework but, to the extent that it seeks to promote local distinctiveness and good design in context remains consistent with it in that respect.
7. The Council's Supplementary Planning Guidance Note No 8 was originally adopted under the auspices of the Harborough District Plan but it seems to me that it has a continuing pertinence in respect of guiding the adaptation of rural buildings, which is its primary concern¹. In the absence of specific evidence to suggest that the principles embodied in the guidance are no longer relevant in the context of the subsequently adopted Core Strategy, notwithstanding that many specific local plan policies relevant to the guidance are no longer in force, I accord moderate weight to the guidance as a continuing indication of what the Council considers to be good design in context for the conversion of redundant agricultural buildings that remain within the countryside.
8. The guidance is quite explicit in its explanation that... *"the 'conversion' of a redundant building does not mean erecting a substantially new building on the footprint of the old building such that its original form is destroyed or rendered unrecognisable."* It goes on to explain that what it does mean is... *"the adaptation of an existing building to a new use involving minimal alterations which retain the visual character of, and the form, structure, materials and massing of the original"*.²
9. The proposed scheme of extension at issue is an ambitious and in many respects ingenious scheme to increase the useable floorspace of the converted barn at ground and first floor level. However, the net result would be to alter the shape, floor plan, massing, height and fenestration of the building in a manner which would so radically depart from the original that its form would be destroyed and barely recognisable as the simple field barn it originated as. It would appear as if a new and substantial house had been constructed in this isolated rural location.
10. Notwithstanding that the principle of residential use in this isolated rural location has been established by the original conversion, the scheme of extension proposed would therefore be at odds with its context and the importance of good design for context, including landscape context, is embodied in policy CS11 of the Core strategy which is not inconsistent with the Framework in this regard and may therefore be accorded full weight for the purposes of this decision. The proposed development, by introducing significant elements incongruous with the character and appearance of the converted barn within its setting, would conflict with that policy as the Council contends.
11. Personal circumstances can be material to planning decisions and I acknowledge the difficulties being encountered by the appellants so far as a

¹ Not No 8 Paragraph 1.4

² Ibid. paragraph 7.1

preference for accommodating their family in more spacious surroundings is concerned, albeit I have no clear evidence that the existing property is in any sense fundamentally inadequate for family life. I also acknowledge that there have been no objections and that friends and neighbours in the surrounding rural area may be supportive of what they are trying to achieve in this respect and that options to achieve the additional space sought after may be constrained by the configuration of the property, its curtilage and its turning arrangements.

12. However, I am mindful that, oft-repeated, the physical transformation of barn conversions and the like, subsequent to their initial implementation, would tend to erode the character and beauty of the countryside in which they are set and I am not aware of the circumstances alluded to elsewhere in the locality involving, apparently, retrospective approvals in many cases. I am obliged in any event to consider this proposal on its individual merits and therefore I take it as I find it. Moreover, the substance of the appellants' dealings with and advice from the Council in the course of formulating the proposed scheme of extension is not a matter for me.
13. For the above reasons I consider the proposed development would be in conflict with the development plan and, whilst I have taken all other matters raised into account, no material considerations sufficient, on balance, to outweigh that conflict have been identified. I therefore conclude that that the appeal should be dismissed.

Keith Manning

Inspector