
Appeal Decision

Site visit made on 21 February 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 16th March 2017

Appeal Ref: APP/B3030/W/16/3163968

Dutch barn, Westhorpe Farms, Westhorpe, Southwell, NG25 0NG

- 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 John Hanmer against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00974/FUL, dated 15 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is described as "conversion of an existing Dutch barn to form a two storey dwelling."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant refers to policies from a previous Local Plan which has been superseded by the CS and DPD and I attach no weight to these submissions.

Main Issue

3. The main issue in this case is the effect of the proposed dwelling upon the character and appearance of the locality with particular regard to designated heritage assets.

Reasons

4. The barn is in a countryside location adjacent to development, at the end of a ribbon of development along Westhorpe. The existing development and the appeal site are within the Southwell Conservation Area (CA).
 5. The barn is situated on a relatively level platform on high ground above the level of the adjacent road and buildings. It has well wooded surrounds which form part of the sylvan setting of this edge of the settlement and the locality of the appeal site has an informal, semi-rural character. Within the CA built form is characterised by farmstead and cottage buildings predominantly constructed of red brick and pantile, and interspersed with open spaces and greenery.
 6. The site is adjacent to the curtilage of Grade II listed buildings, 82 and 84 Westhorpe. These brick and tile cottages are set at a lower level than the appeal site and appear modest in scale. The cottages face out, set behind relatively short front gardens. One cottage and garden face the appeal site.
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7. The barn is made of a number of steel posts with a corrugated clad roof over. It covers a large area but it is skeletal. At the time of my visit it was not in use for the storage of hay bales but did appear to be in use for the storage of a number of building materials and other items. The high level of the minimal roof and the slender posts allow substantial views through. These characteristics and surrounding greenery substantially limit and mitigate the impact of the existing building.
8. The proposed dwelling would utilise all of the area of the barn making a dwelling with a long front elevation facing the road and an end elevation close to the boundary of the front garden of one of the LB cottages.
9. The elevations visible from the road and the gardens of the LBs would be mainly timber clad infill walls with high level glazing. The design of the dwelling would preserve the shape of the structure and allow the frame to be seen on the outside. The fenestration would not be overtly residential and a balcony would be recessed on an elevation facing away from the LBs and CA. The Council do not take issue with the quality of the modern design and nor do I. Nonetheless, the design would create a very solid looking building which would emphasise its large scale in comparison to that of the adjacent cottages.
10. The building is close to a number of trees. The appellant advises that it is not intended to fell any. The wooded setting would offer some partial mitigation but would not prevent all views from the CA and there would be views from the driveway and cottage gardens. In the views the large modern dwelling sat at high level would draw the eye and make a strong dominating visual statement.
11. A holly and one other tree are close to the end facing the cottages. These trees would be close to windows to a kitchen area at first floor level. A double height glazed elevation at the other end would only be a short distance from another group of trees. Future occupiers may seek to cut back or fell trees. Whilst such works might not significantly impact upon the overall well wooded setting, they could increase the exposure of the proposed dwelling and potentially increase its visual impacts. This adds to my concerns.
12. The barn could be filled with straw bales, which would limit views of greenery. This would be seen for what it was; a large mass of bales under cover of the building. It would appear appropriate to its countryside location and, unlike the proposed dwelling, would not make a striking architectural statement. Moreover the proposed straw bale walls are intended to be clad in horizontal timber boarding. Therefore I attach little weight to these comparisons. Nor am I persuaded that from most viewpoints people would be able to see views through the high level glazing of the proposed dwelling to the greenery beyond.
13. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) Schedule 2, Part 3, Class Q provides a right for a change of use of an agricultural building and any land falling within its curtilage to a use falling within Use Class C3 (as a dwelling). This right is subject to limitations and restrictions and does not exist within conservation areas and I attach little weight to this matter.
14. I am informed that the appellant has no intention to demolish the building, but the existing skeletal structure does not significantly detract from the CA or the setting of the LBs and I attach little weight to this.

15. I conclude that the combined effects of the raised ground level, the scale, height, position and design would combine to create a very large and dominating building in the available views from within the CA and the gardens of the adjacent LBs. In these ways the proposal would be harmful to the character and appearance of the locality and would fail to preserve or enhance the character and appearance of the CA and the setting of the LBs. I attach considerable weight to these harms to designated heritage assets. The proposal would also be contrary to CS Policy CP14 and DPD Policy DM9 which, amongst other things, seek to preserve or enhance the distinctive historic environment of the District and ensure that heritage assets are managed in a way that best sustains their significance.

Other matters

16. The adopted housing target in the CS is derived from the East Midlands Regional Plan Strategy which has now been revoked, predates the National Planning Policy Framework 2012 (Framework) and the requirement in the CS was not derived to meet the full objectively assessed need (OAN). Therefore the housing requirement in the CS is out of date.
17. The Council's first reason for refusal cites CS Policy SP3 and DPD Policy DM8 of the Newark and Sherwood Allocations and Development Plan Document 2013 (DPD). Policy SP3 restricts new housing in rural areas to sustainable accessible village locations and that beyond the Principal Villages new housing will be restricted to that which meets identified proven local need. Policy DM8 relates to Policy SP3 and provides more detailed guidance for development in the open countryside. Amongst other things, Policy DM8 restricts new dwellings and limits the conversion of existing buildings to dwellings. Therefore Policies SP3 and DM8 stem from and reflect the housing requirement in the CS and are policies that control the supply of housing. Consequently these policies cannot be considered to be up to date and the weight I attach to them is limited.
18. The appellant asserts that the Council cannot demonstrate a 5 year housing supply. The Council advise that they have produced a Strategic Housing Market Assessment (SHMA) which has produced an OAN of 454 dwellings per annum and that the Council is of the opinion that it can demonstrate a five year supply on this basis of this OAN. The OAN has yet to be tested through the Local Plan Review process and that is the correct forum for the testing of such evidence. There is insufficient evidence in this planning appeal to enable me to conclude that the Council does not have a five year housing land supply. However as I found Policies CS SP3 and DPD DM8 to be otherwise out of date, this is not determinative.
19. To create the dwelling would require a base and foundations. All external walls under the roof and within the existing steel posts would be new. The existing roof consists of a skeletal structural frame with corrugated sheeting with a number of holes. The appellant's structural report advises that the sheeting would need to be replaced but was unable to confirm the condition of the eaves beams. There is scant other evidence to describe the works necessary. All in all I find that the likely extent of the building and engineering operations that would be necessary to create the dwelling would go beyond conversion and amount to the construction of a new dwelling.
20. The building may be as much as approximately 77 years old. The steel construction, curved roof, and scale of this type of barn may not be built

anymore. Modern buildings can be listed. But I am not persuaded that there is evidence to say this is a landmark building or a building of architectural or historic merit.

21. In these ways the proposal would be contrary to the aims of Policies SP3 and DM8. But as I have found these policies to be out of date the weight I attach to this conflict is limited.
22. A previous appeal proposal for conversion of the existing agricultural barn to a straw bale dwelling was dismissed in 2005¹. I note that the Inspector concluded that the development would result in unsustainable development however he acknowledged that the site would be reasonably close to services and facilities, and that appeal was determined in a different policy context.
23. I found that the site is on the edge of built form and directly adjacent to, and at the end of a row of existing dwellings and the proposal would not result in a new isolated dwelling in the countryside. It is possible to reach the centre of Southwell along a metalled footpath at the side of the road. The road is lined by development and for the most part there is some street lighting. Southwell has a wide range of facilities. Therefore, future occupiers of a dwelling here would not be wholly dependent upon use of a private motor vehicle to reach local services and facilities.
24. There would be a limited economic benefit through the construction of a new dwelling and this would have a marginal positive effect on increasing the supply and widening the choice of available housing. I attach a modest amount of weight in favour to these matters.
25. Farming may have gone through many changes but there is scant evidence of the farming operations or the need for diversification in this case and therefore I cannot attach weight to this. There is no evidence to describe the vehicular trips associated with the use of the barn for farming purposes and therefore whilst it may be that the number of trips would be reduced, I am not persuaded that this amounts to evidence of an environmental improvement.
26. The appellant refers to an appeal at a site known as Barn rear of the Dairy, Village Street, Owthorpe, Nottinghamshire². However that site was previously developed land within a Green Belt and so quite different to the proposal I am considering. My attention is also drawn to Flora Barn in Hoveringham and the Council accept there are some similarities with the design of that scheme. However I understand that Flora Barn was an extension to an existing building and so is also quite different to the proposal before me. Therefore, I have considered this appeal on its own merits.
27. The Council inform me that the barn sits on a former burial ground, as denoted on Ordnance Survey Maps dated 1837 and 1875. Planning conditions could require archaeological assessments and reports to be undertaken prior to development. Therefore this does not weigh against the proposal.

Conclusions

28. The proposal would be harmful to the character and appearance of the locality, fail to preserve or enhance the character and appearance of the CA and setting

¹ APP/B3030/A/04/1163442

² APP/P3040/A/13/2195959

of adjacent LBs. I attach considerable weight to the harms to designated heritage assets. The proposal would also be contrary to CS Policy CP14 and DPD Policy DM9 which, amongst other things, seek to preserve or enhance the distinctive historic environment of the District and ensure that heritage assets are managed in a way that best sustains their significance.

29. The proposal would amount to the construction of a new dwelling outside of the village and in open countryside. In these ways the proposal would also be contrary to the aims of Policies SP3 and DM8. But as I have found these policies to be out of date the weight I attach to this conflict is limited.
30. The proposal would not result in a new isolated dwelling in the countryside and future occupiers of the dwelling would not be wholly dependent upon use of a private motor vehicle to reach services and facilities. There would be limited economic benefits through the construction of the dwelling and a marginal effect on increasing the supply and widening the choice of available housing. I attach a modest amount of weight in favour to these matters.
31. I conclude that whilst the harms that would arise to the character and appearance of the CA and the setting of the LBs heritage assets would be less than substantial, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited social and economic benefits. Therefore, and having taken all other matters into consideration I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR