

Appeal Decision

Hearing held on 4 April 2017

Site visit made on 4 April 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/X2410/W/16/3164243

**High Meadow Farm, Melton Road, Barrow Upon Soar, Leicestershire
LE12 8HX**

- 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 Bill Finney against the decision of Charnwood Borough Council.
 - The application Ref P/16/0068/2, dated 11 January 2016, was refused by notice dated 18 July 2016.
 - The development proposed is conversion of building to form a single dwelling, including partial demolition, change of use of land to form a garden and removal of a mobile home.
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Decision

1. The appeal is dismissed.

Planning Obligation

2. A signed and dated Section 106 planning obligation in the form of a Unilateral Undertaking (UU) was submitted at the hearing. I shall turn to this later.

Main Issues

3. The main issues are: (i) whether the site is a suitable location for housing, having regard to the development plan and the Framework; (ii) the effect of the proposed development on the character and appearance of the surrounding countryside; and (iii) the effect of the proposed development on the living conditions of future occupants, with regards to noise and disturbance.

Reasons

Location for housing

4. The building subject of this appeal forms part of High Meadow Farm. The farm is to the south of Melton Road in an undulating landscape. A mature high hedgerow extends behind a deep grass verge along Melton Road. Next to the northern elevation of the building is a driveway leading from the vehicular access to the existing farmhouse. A mobile home is in-between two sections of leylandii. To the south of the appeal site are buildings used for agricultural storage, the stabling of horses and an indoor riding school. Beyond these are open fields split into paddocks lined by hedgerows that extend to and beyond a public footpath. To the east is land used for camping and caravan pitches.
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5. The site is outside the nearest limit to development, which encompasses Barrow Upon Soar. Thus, the site is in the countryside for the purposes of saved Policies CT/1 and ST/2 of the Borough of Charnwood Local Plan 1991-2006, Written Statement (Local Plan). Policy CT/1 explains that development outside of the limits will be strictly controlled and only granted *for the re-use and adaptation of rural buildings for uses suitable in scale and nature, and small-scale new built development, where there would not be a significant adverse environmental impact* and the proposal would meet the listed criteria. The parties agreed that these policies are time limited, having regard to paragraph 215 of the National Planning Policy Framework (the Framework), but as they are in general conformity with the Framework, I attach them a substantial weight.
6. While saved Local Plan Policy CT/1 references Local Plan Policy CT/15, which was concerned with the *conversion of existing rural buildings*, policy CT/15 was not saved. However, paragraph 55 of the Framework explains to *avoid new isolated homes in the countryside unless there are special circumstances*. The parties agreed that it is a material consideration, given the Council are yet to publish a draft of more detailed policies about the re-use of rural buildings.
7. Given the site's location, its proximity to public transport and the range of facilities and services in Barrow Upon Soar, I consider that future occupants would heavily rely on the private car to gain access to most day-to-day facilities and services. Occupants' dependency on the car would be enhanced by the lack of a lit footway or cycle lanes on Melton Road. I therefore conclude that is not a sustainable location and I agree with the parties that the proposal would result in a new isolated home in the countryside. Nonetheless the proposal would make a very limited contribution to maintaining and enhancing the facilities and services in Barrow Upon Soar.
8. Turning now to the main thrust of the appellant's case which centres on bullet point three of paragraph 55 of the Framework. This explains *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*.
9. The appellant confirmed, despite the lack of planning applications associated with the building that it has been used for equine purposes since they took ownership of the site roughly 10 years ago. Leaving this to one side, the parties informed me and I later observed on site the stables on the eastern side of the building were being used for storage and for the stabling of horses. While the appellant suggested stabling was on a temporary basis, these stables were being used when the Council visited in May 2016.
10. On the building's western side the stables were used for domestic storage, as a utility, a gymnasium and as an office up until December 2016. Inside the central part of the building, the northern area was being used to store domestic furniture, a generator, rolls of lino, a sit on lawn mower and a lawn mower. The southern area comprises of four loose horse boxes. Three contained bedding associated with the stabling of horses, the other domestic storage.
11. Although the appellant considered the building to be *largely disused*, the term 'disused' must mean not used at all. In terms of 'redundant' this must mean 'superfluous' which is *not or no longer needed or wanted*. I understand the appellant's argument that they could move all the stored items and the horses into other buildings or stables on the farm, especially as not all the livery

stables are currently occupied. However, the appellant's evidence and my observations on site confirm the building is not redundant or disused. I recognise this is a matter of fact and degree and the Government encourages the re-use of empty and under-used buildings. Nonetheless the building appeared perfectly capable of continuing to offer stable facilities and ancillary domestic storage or uses¹. I am not therefore persuaded that the building is empty or under-used.

12. So, even if I was to accept that the proposal and the intended finishes would lead to an enhancement to the immediate setting, I do not accept the arguments set out regarding the re-use of a redundant or disused building as set out in paragraph 55 of the Framework. Added to this, I do not consider that permitted development rights, for the conversion of agricultural buildings², are relevant to this case, even if they do not contain a pre-requisite that the building must be redundant or disused.
13. I acknowledge the existing mobile home is home to the prospective future occupants. These are the appellant's youngest son Wayne Finney, his partner and two children. I also understand that Wayne is involved in the running of the camping and caravan site and the equine use. However the appellant confirmed their case does not seek to show an *essential need* and I note that there is no detailed justification in respect of this.
14. I recognise the Framework does encourage the reuse of existing resources in paragraphs 17 and 51 which can include the conversion of existing buildings. Nevertheless, the creation of new isolated dwellings in the countryside is contrary to both national and local planning policy other than in special circumstances, and I have found that none apply in this case.
15. Thus, on this issue, I conclude that the site would not be a suitable location for housing, having regard to the development plan and the Framework. The proposal would not accord with Policies CS1 and CS25 of the Charnwood Local Plan 2011 to 2028, Core Strategy (Core Strategy), saved Local Plan Policies CT/1 and ST/2 and paragraph 55 of the Framework. These together seek, among other things, to limit development in the countryside to avoid new isolated homes unless there are special circumstances to secure development that improves economic, social and environmental conditions in the area.

Character and appearance

16. Paragraph 56 of the Framework explains that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*" This is reflected in Core Strategy Policy CS2 and Local Plan Policy EV/1. Although the appellant suggests Core Strategy Policy CS11 is not a policy for the re-use of buildings, I consider that it does seek new developments to *reinforce sense of place and local distinctiveness*.
17. The proposal would use an existing building. There would be no increase in the scale or bulk of the building, only a reduction by demolishing some of the stables on the eastern and western sides of the building. I therefore consider no harm would arise in terms of the building's scale or bulk.

¹ Appellant's Statement, Appendix KCC3, Government Written Statement, 6 March 2014

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q

18. The Council's concerns relate to changes to the building's visual appearance, through the introduction of horizontal timber cladding on the upper parts of both gable ends and the insertion of a first floor window facing Melton Road. These would, in the Council's opinion, give the building a domestic character and appearance which would be incongruous in the site's rural setting.
19. The building is not particularly visible from Melton Road due to a mature hedgerow, even if it allows views through to the site when it is not in leaf. Still, these would only really be possible on foot and not when passing at speed in a vehicle. From the public footpath to the south, views are distant and the building is viewed in the context of a group of buildings on High Meadow Farm. Consequently there would be little perceptible difference to the use of vertical cladding when viewed from the footpath and Melton Road. I acknowledge the existing building does, in part, use vertical Yorkshire boarding. However the use of horizontal cladding would not be dissimilar, albeit on a larger scale, to the nearby facilities building elsewhere on the site. Nevertheless, the appellant did express a preference at the hearing for the use of vertical cladding, which would in the Council's view go some way to addressing their concerns. On this basis, the parties agreed that a planning condition could, in the event that I were minded to allow the appeal, be used to control the cladding's orientation.
20. The first floor window would be positioned beneath the existing ridgeline. While it would be more obvious than the other proposed alterations the building does already contain similar sized windows. The proposed window would not therefore unduly affect the rural character and appearance of the building and I consider the appeal scheme would keep the building's current shape, feel and broad use of materials.
21. Despite points about whether the proposal would enhance the immediate setting, including through the removal of the existing mobile home, I consider that the proposal would not result in harm to the rural character and appearance of the countryside, by reason of its scale, form, design and materials. For these reasons, I conclude on this issue that the proposal would accord with Core Strategy Policies CS2 and CS11, Local Plan Policies CT/1 and EV/1, the Council's *Leading in Design Supplementary Planning Document* and paragraph 56 of the Framework. Together these seek, among other things, to ensure the re-use of good quality existing buildings avoids the loss of local character, having regard to scale, form, design and materials to reinforce sense of place and local distinctiveness.

Living conditions

22. The Council's concerns focus on the proposed south-facing windows and garden on the western side of the building. Both of the south-facing windows would serve the kitchen. There are no other openings in this elevation.
23. I understand that a mixture of agricultural and equine activities take place periodically to the south of the building. The activities include tractor movements associated with the storage and movement of hay and straw into the two buildings to the south of the site; the movement of horses, feed or bedding around the hardstandings near to the site to and from stables, the fields and the indoor riding school. These activities typically start at 09:00 and finish at 18:00 in the winter or 19:30 in the summer months.

24. I noted the building's relative distance to the nearby stables and agricultural buildings and the inability to insert any form of screening along the southern elevation to mitigate for any effect of noise and disturbance. However, the Council agreed that a planning condition would overcome their concerns insofar as noise and disturbance is concerned inside the building. The parties directed me to appeal decisions at Warboro Farm and Partridge Lane³ which imposed similar conditions to the suggested version before me. The parties also confirmed that such a scheme could, like the appeal decisions cited, include a combination of mechanical ventilation, insulation and triple glazed window units. I agree that such a condition would address any noise and disturbance which is unlikely to be above *noticeable and intrusive*⁴. While some concerns remain with the western garden area, the Council accepted that any harm would not be sufficient to refuse planning permission. I agree with the Council, given the nature and frequency of activities that occur on site.
25. Subject to the imposition of the parties' suggested condition, which has been considered in light of paragraph 206 of the Framework, the proposal would not harm the living conditions of future occupants, with regards to noise and disturbance. The proposal would therefore accord with Policy CS2 of the Core Strategy, Policy EV/1 of the Local Plan and paragraph 17 of the Framework; which together seek, among other things, to safeguard or protect the living conditions of people who live in the new development.

Other Matters

26. The UU was submitted by the appellant in the event that I did not consider the suggested planning condition would overcome noise and disturbance concerns. The UU would prevent the sale of the appeal building separate from the farm. The Council raised issue as to whether the UU would be *necessary to make the development acceptable in planning terms*, having regard to Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework. However, due to my findings on the third main issue, it is not necessary for me to explore the merits of the UU in detail.
27. I recognise the scheme would not result in overlooking; an increase in traffic generation and it would afford sufficient off-street parking and a safe means of access. I also note the appellant engaged with the Council before lodging their appeal. However these matters do not outweigh my findings.

Conclusion

28. I have found no harm from the appeal scheme in relation to character and appearance and living conditions. However these are outweighed by the harm that would arise from the formation of a new isolated home in the countryside and there are no special circumstances advanced that outweigh this. Thus, in such circumstances, as the appellant accepted, the proposed development would not promote or amount to sustainable development.
29. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

³ Appeal Decision Refs: APP/T3725/W/16/3149781 and APP/C3620/W/16/3164523

⁴ Planning Practice Guidance, Paragraph: 005 Reference ID: 30-005-20140306

APPEARANCES

FOR THE APPELLANT:

Tony Kernon	Kernon Countryside Consultants Limited
Bill Finney	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Helene Baker	Charnwood Borough Council
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DOCUMENTS

- 1 A3 print out of Page 19, Photo 24 and Photo 25, Appellant's Statement
- 2 Planning Application Notification Letter and list of those consulted
- 3 Site Notice
- 4 Signed and dated Section 106 planning obligation