
Appeal Decision

Site visit made on 19 April 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/Y2810/W/17/3166565
Spring Lane, Flore NN7 4LL

- 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 R Dutton against the decision of Daventry District Council.
 - The application Ref DA/2016/0820, dated 25 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is the conversion of agricultural barn to single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reason for refusal relates to the principle of the proposed development insofar as it would create a new dwelling in the open countryside. They state that this would be contrary to the principles established by the Framework¹ and their development plan. It is in this context that I note the granting of prior approval for the change of use of the buildings concerned to a separate dwelling under permitted development allowances² as well as the case law examples that have been advanced by the appellant.
3. Irrespective of the outcome of this appeal therefore, a dwelling could be created. Nevertheless, the Council have set out other substantive concerns in their evidence to which the appellant has responded. These relate to the differences between the prior approval scheme and the one subject to this appeal, ostensibly their effect on the character and appearance of the countryside.

Main Issue

4. With the above in mind, the main issue in the determination of this appeal is the effect of the proposed development on the character and appearance of the area.

¹ The National Planning Policy Framework 2012

² Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

Reasons

5. The appeal site is a roughly triangular parcel of uncultivated open and flat land in a prominent location which is highly visible from the northern road approach. It comprises two corrugated sheet clad buildings with curved roofs as well as some more dilapidated single storey shelter type structures covered in overgrowth. The two main buildings are arranged side by side and create a valley between them. They are side elevation onto the lane, situated to the north western boundary. The character of the area is very rural. The adjacent large detached building that spans the stream aside, the surrounding fields are generally open with built development limited to that of a distinct agrarian nature where hedges, trees and fencing define boundaries.
6. The scheme proposed does not represent poorly thought out design in isolation. Nevertheless, the proposed physical works to the buildings would involve a substantial extension which would accommodate an open plan living room. This extension would greatly increase the bulk and mass of built development on the site. The scheme would also include a basement level of the same area of the buildings, accessed by an engineered curved ramp leading from the entrance. Other works include additional glazing, expansive areas of raised terrace and a curtilage that would occupy the entirety of the parcel of land.
7. The proposed development would therefore differ significantly from the scheme granted as part of the above mentioned prior approval. Whilst retaining the general shape of the existing buildings, the proposals would appear more as a large dwelling than a former agricultural building that has been converted. Given how substantial the changes and aforementioned additions would be and their overly domestic nature. Development of the garden and further extensions could be restricted but this would not to my mind overcome the harm that the scale and design of the proposed works would create, exacerbated as it would be by associated landscaping and other related garden paraphernalia.
8. I do accept that not all of the changes would be readily visible from public vantage points but, and when taken altogether, they would combine to fundamentally alter the prevailing rural character of the area, thus causing harm to its character and appearance.
9. I therefore find that the proposals would fail to comply with saved Policies HS24 and EN19 of the Local Plan³. These policies set out that planning permission will not normally be granted for residential development in the open countryside and the conversion of rural buildings will be acceptable provided, amongst other things, their form, bulk and general design are in keeping with their surroundings.

Other Matters

10. The appellant has drawn my attention to the granting of a planning permission for the demolition of a former agricultural building and the erection of a dwelling. Both the appellant and the Council refer to this as the Tythe Barn case; the decision notice and delegated officer report is appended to the appellant's evidence. I understand the appellant's reasoning for citing this

³ Daventry District Council Local Plan: Saved Policies 2007

scheme as an example of how the Council have treated an extant prior approval in a further application for planning permission. Nonetheless, each development proposal is considered on its own merits and the evidence before me suggests that the Tythe Barn case is not sufficiently similar to the one before me to have a substantial bearing on the outcome of this appeal.

11. The existing buildings are what may be referred to as being 'rough around the edges' but according to the evidence and my own findings on site they are far from dilapidated and form an integral part of the rural landscape. A conversion scheme would allow the buildings to be re used, and to some extent enhanced so this situation may long continue. This would however also be the case with the extant prior approval scheme which also, in my view, would bear a greater resemblance to their historical agricultural use than the proposed scheme.
12. The appellant has questioned the weight that should be ascribed to the saved policies of the Local Plan, specifically HS24 which sets out the consideration of proposals for development in the open countryside. I accept that the Local Plan is of some age and paragraph 55 of the Framework does set out a more exhaustive list of exceptions. However, they seek to achieve the same objectives and as such HS24 broadly accords with the principles of the Framework. The Council state that they are able to demonstrate the supply of deliverable housing sites as required by the Framework and the appellant does not contend this. There is no further evidence presented that would lead me to a different conclusion. For these reasons, I afford saved Policy HS24 full weight.
13. The appellant has provided me with copies of extracts from the Flore Neighbourhood Plan (NP), specifically Policies F1.1 and F2.2. I accept the appellant's argument that these policies support the re use of redundant buildings. However, they also seek to ensure that development does not harm the character areas and landscapes, giving consideration to scale and detail of a proposal. In my view, the aims of these policies do not directly conflict with the direction of the Council's development plan with regard to the issues before me. As such I do not give greater weight to the NP over the Local Plan. On my reading of the NP policies concerned, I would conclude that the harm I have described above would also bring the proposed development in conflict with them. Consequently my findings remain unchanged.
14. There appears to be further support for the proposed development from local residents but this is not sufficient to overcome the harm that it would cause as I have described it.

Conclusion

15. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR