
Appeal Decision

Site visit made on 4 April 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/L1765/W/16/3165291

Former Classroom/Stores, Southdowns, Old Alresford, SO24 9UR

- 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 Mountheed Ltd. against the decision of Winchester City Council.
 - The application Ref 16/01120/FUL, dated 19 May 2016, was refused by notice dated 18 October 2016.
 - The development proposed is conversion and adaptation of former Classroom/Stores to provide a 4 bedroom single storey dwelling (Class C3) with associated parking.
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Decision

1. The appeal is dismissed.

Background and application for costs

2. An application for costs was made by Mountheed Ltd. against Winchester City Council. This is the subject of a separate decision.
3. The appeal site lies in the countryside outside the South Downs National Park. It lies to the north of the small village of Old Alresford and well to the north of the larger settlement of New Alresford. On the appeal site are 2 single-storey buildings, formerly used as a classroom and store for a children's home. That home has now been redeveloped for a small complex of houses known as Southdowns. The proposal before me is for the conversion of the classroom and store to a dwelling.
4. The site has been the subject of the following appeal decisions:
APP/L1765/A/01/1080430 for the demolition of the buildings on the appeal site and erection of a dwelling; APP/L1765/A/03/1128312 for the conversion of the buildings to B1 (c) light industrial use; and APP/L1765/A/14/2226027 for the conversion and adaptation of the existing buildings to house.

Main Issue

5. The main issue in this appeal is whether the proposed development complies with the relevant development plan Policy on the conversion of rural buildings in the countryside.

Reasons

Main issue

6. The buildings on the appeal site are vacant and in poor condition. At the time of the 2014 appeal decision the local policies relevant to the proposal for the conversion of the buildings on the appeal site to residential were saved Policy CE.24 of the Winchester District Local Plan Review (WDLPR) (2006) and Policy MTRA 4 of the Winchester District Council Part 1 – Joint Core Strategy (JCS)(2003). However, on 5th April this year the Council adopted the Local Plan Review Part 2. This superseded saved Policies of the WDLPR and the Council says this leaves Policy MTRA 4 the only development plan Policy directly related to the proposal before me.
7. Policy MTRA 4 says that in the countryside, outside built-up areas the Council will only permit, amongst other things, proposals for the re-use of existing rural buildings for employment, tourist accommodation, community uses or affordable housing (to meet demonstrable local housing needs). It goes on to say that the buildings to be reused should be of permanent construction and capable of use without major reconstruction. In addition the proposed development should not harm the character and landscape of the area, neighbouring uses or cause inappropriate noise/light and traffic generation.
8. On the information before me and from what I saw the Council is correct to consider, in light of the evidence submitted on this proposal, that it should be accepted, despite concerns on the previous scheme, that the buildings are of permanent construction and capable of use without major reconstruction and that the design of the conversion is such that there would be no harm to the character and appearance of the area. The Council also now concedes that there would be no harm to adjoining trees. From all that I saw the Council is also correct to consider, as with the previous scheme, that there would be no harm to neighbouring uses or inappropriate noise/light and traffic generation.
9. However, all that is to no avail if the proposed use is not one permitted under Policy MRA 4. In this case the proposal is for an open market dwelling. This is not a use permitted by the Policy so the proposal is clearly in conflict with it. It is concluded accordingly on this issue.
10. There is a dispute on the weight that should be attached to Policy MTRA 4. The Policy is more restrictive than paragraph 55 of the National Planning Policy Framework (the Framework). However, the Local Plan Inspector accepted that there were specific local circumstances that justified the rather more stringent approach of Policy MTRA 4. I note the appellant's observation that this Policy was considered appropriate primarily in the context of South Downs National Park considerations. However, my reading of the Inspector's comments is that these were just one factor to be taken into account and the Policy is not limited to operating solely within the South Downs National Park. Paragraph 51 of the Framework says that permission for change to residential use of commercial buildings should generally be permitted where there is an identified need for additional housing. However, such a generalised statement preceding the adoption of the JCS should not be seen as limiting the weight to be attached to Policy MRA 4.
11. I appreciate that the Town and Country Planning (General Permitted Development) Order permits the conversion of some agricultural buildings to

residential use under permitted development rights. However, these limited rights do not limit the weight that should be applied to Policy MTRA 4.

12. The Government is seeking to encourage, through the Housing and Planning Bill 2015-2016, the use of brownfield land for housing. However, such a generalised approach should not outweigh the specific constraints in the development plan. A Consultation on changes to National Planning Policy, also seeks among other things to encourage the use of brownfield land for housing. However, at this stage only limited weight can be attached to this. Nothing I have been referred to in these documents lessens the weight to attach to Policy MTRA 4.

Other matters

13. I consider it unlikely, on the evidence provided by the appellant, that an occupant prepared to convert the appeal buildings for employment use, whether by freehold or leasehold occupation, would be found. This leaves the prospect that the buildings would remain on site in their current untidy state. However, they are generally well screened, and other than being seen from 1 or 2 adjoining houses they have little adverse impact on the character and appearance of the area. Moreover, claims of support for proposals such as this could too easily be made on the basis that they would tidy up a site, and if too readily accepted would unacceptably dilute the Council's Policy approach.
14. Although not expressly undertaken by the parties it is necessary to consider, in light of the Framework, whether or not the proposal is sustainable development given the presumption in favour of such development. Clearly there would be some social benefit in the provision of a new house and some general economic benefits associated with it. Those benefits would be limited by the small scale of the proposal. Although there would be no environmental harm in terms of the effect of the proposal on the character and appearance of the area the proposed development beyond a settlement boundary would, even though adjacent to a small housing scheme, be poorly located in relation to facilities and services. These facilities and services would, in general, only be likely to be accessed by the private car. This would run counter to the requirement in the Framework on using natural resources prudently, minimizing waste and pollution and mitigating and adapting to climate change and moving to a low carbon economy. Thus I attach substantial weight to the environmental harm arising from conflict with Policy MTRA 4 and seen overall the proposal would not be sustainable development.
15. The Council has referred in broad terms to there being a substantial number of development plan policies relevant to the proposal. As only some of these policies were referred to in the reason for refusal it would seem that there would be no conflict with the others. However, conflict with Policy MTRA 4 is an important consideration in the Council's approach to development in the countryside and the need for sustainable development which would have been a key consideration in the formulation of the development plan. As such I am satisfied that the proposal would be contrary to the development plan when read as a whole.
16. In light of the above there are no other material considerations which would outweigh the harm found on the main issue.

Conclusion

17. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR