
Appeal Decision

Site visit made on 11 April 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 16 May 2017

Appeal Ref: APP/A2335/W/17/3167143

Cockshotts Barn, Lodge Lane, Wennington, Lancaster LA2 8NS

- 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 J Holt against the decision of Lancaster City Council.
 - The application Ref 16/01299/FUL, dated 13 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is described as new access off Lodge Lane for the farmland and the approved barn conversion (ref: 16/00821/PAA), with extended curtilage and a garage for the barn conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Prior to the determination of the planning application by the Council the proposed garage was deleted from the scheme. The Council also changed the description of the proposal in application Ref 16/01299/FUL from that provided on the application form to 'change of use of agricultural land to domestic garden and relocation of existing access point'. The appellant has used this description on the appeal form. I consider this to be a more accurate description of the development now proposed which I have therefore used in the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether or not the proposed use and extension of the curtilage for domestic purposes would be compatible with the existing use of the site.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the setting of a non-designated heritage asset.

Reasons

Use and extension of curtilage

4. The appeal site comprises a narrow part of an existing agricultural field containing an isolated agricultural barn constructed of stone with a stone flag
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roof and located within open countryside. The current access to the field and the barn is off Lodge Lane in a position in front of the barn.

5. The Council indicate that a Prior Approval application was granted in 2016 for the change of use of the agricultural barn to a dwellinghouse subject to a number of conditions (Ref 16/00821/PAA). The access for this development would be via the existing access point. The Council suggest that a pre-commencement condition relating to the external materials proposed to be used has yet to be discharged.
6. I observed at my site visit that the barn is still in agricultural use and I saw no evidence of conversion works having commenced. Notwithstanding the fact that pre-commencement conditions have yet to be discharged, I have no evidence to suggest that the prior approval has been implemented. As such, there has not yet been a material change of use. Therefore, the lawful use of the site and the barn remains as agricultural.
7. Against this background, the change of use of part of this land to residential use would form an inappropriate isolated strip of domestic curtilage in the open countryside that has no association with a dwellinghouse.
8. Whilst I recognise the appellant's desire to seek to extend the residential curtilage associated with the conversion of the barn, the fact remains that the conversion has not been implemented nor has a pre-commencement condition been discharged. Therefore, at the current moment in time, there is no residential dwelling for which a domestic garden would be required to be ancillary to. As such, I agree with the Council that the proposed change of use at the current time would be incompatible with the existing lawful and active agricultural use of the barn and the surrounding land.

Character and appearance

9. The proposal would result in the creation of a new access to Lodge Lane in a position approximately 30m westwards from the position of the existing access. The existing access would be blocked up with stone walling to match that which forms the boundary between the agricultural land to the south and Lodge Lane. An access track leading from the proposed access would extend parallel with Lodge Lane and would terminate in a widened area in front of the barn. These areas would form the proposed domestic curtilage.
10. The appellant indicates that the purpose of the proposal is to provide an access with improved visibility to the barn conversion and the agricultural land off Lodge Lane from that currently provided by the existing access. Whilst I accept that Lancashire County Council, in their capacity as highway authority, raised no objections to the proposed access on highway safety grounds, I also note that the existing access was deemed suitable for the proposed use of the converted barn and the remaining agricultural use.
11. I accept that the proposed access would improve visibility to the west. However, Lodge Lane appears to be lightly trafficked and the visibility from the existing access also appears to be adequate to serve the both the agricultural and proposed residential use without causing a demonstrable highway or pedestrian safety impact. In addition, I have no evidence of any accidents associated with the use of the current access.

12. The proposal would result in the creation of an isolated linear track in the open countryside. It would also result in the severance of a strip of agricultural land between the proposed domestic curtilage and the boundary wall adjacent to Lodge Lane from the remaining area of agricultural land.
13. Owing to the proximity of the proposed track to Lodge Lane and relatively low height of the existing boundary wall, the proposed track and associated curtilage area would be quite visible from the road. In such views, these features would have the effect of urbanising this area of open countryside and would extend in linear form beyond an area that is within a reasonable proximity to the barn. The extended domestic use of the land to the front of the barn, with associated residential paraphernalia, and the linear track in this relatively isolated area of rural and open countryside would appear as an unacceptable contrasting feature in the landscape that would be injurious to the open and rural character of the area.
14. For the above reasons, the proposal would unacceptably harm the character and appearance of the surrounding area. Accordingly, it would not accord with Policies DM8, DM28 and DM35 of the Lancaster Local Plan Development Management Development Plan Document 2014 (DMDPD). These policies, amongst other things, require that development should be in keeping with the landscape character and be appropriate with its surroundings so as not to adversely affect the character and appearance of the surrounding landscape.

Non-designated heritage asset

15. The Council indicate that the existing unmodified barn with its construction features dating from circa 1845 is considered to be a non-designated heritage asset. I have no evidence to suggest otherwise. Paragraph 135 of the National Planning Policy Framework requires that the effect of proposals on an asset's significance should be taken into account having regard to the scale of any harm.
16. I agree with the Council that the proposed use of the land immediately at the front of the barn for domestic purposes would have some impact on the views of the front elevation when viewed from the road. Although I have no evidence of the extent to which this elevation could be modified in any future conversion works, the setting of the barn is closely associated with the agricultural character of the surrounding land.
17. The domestic use of the land immediately to the front of the barn, with likely associated residential paraphernalia, would have a detrimental impact on the setting of the barn in its primary view from the road. Whilst I accept that an appropriate curtilage is necessary to serve a possible future conversion, given that the barn is a non-designated heritage asset and has significance as an isolated agricultural building in the countryside, such curtilage should not adversely affect the character of its agricultural setting from the primary viewpoint of Lodge Lane.
18. Taking the above factors into account, the proposal would unacceptably harm the setting of the non-designated heritage asset. As such, it would conflict with Policy DM33 of the DMDPD. This policy, amongst other things, requires that proposals within the setting of a non-designated heritage asset should ensure that its setting is protected.

Other matters

19. The appellant has referred to an appeal decision relating to the change of use of agricultural land to residential use at Wood Farm, Myddlewood, Myddle (Ref APP/L3245/W/16/3149229). However, I note that the conversion of the building in that appeal had been implemented. Also the building is in proximity to other buildings. Moreover, the building being converted in that case does not appear to be a non-designated heritage asset. Consequently, there appears to be a number of differences in the circumstances in that case and those in this appeal. As I do not have full details of the nature of the proposals or the circumstances relating to that appeal I cannot be sure that it is representative of the circumstance in this appeal. In any case, I have determined this appeal on its own merits.
20. My attention has also been drawn to the fact that properties on Nether View, which are the nearest residential properties to Cockshotts Barn, have large residential curtilages. Whilst this may be the case, these properties form part of the ribbon development comprising the village of Wennington and are not within an isolated location in the open countryside. As such, I have attached little weight to size and location of the residential curtilages of those properties in the determination of this appeal.

Conclusion

21. As the permitted conversion work to the barn has not been implemented the change of use of agricultural land to domestic use that has no association with a dwelling would be inappropriate and incompatible with the existing use of the land. Whilst the barn may be converted at some point in the future, I consider that the adverse impacts that would result to the character and appearance of the area and setting of the of the non-designated heritage asset, by reason of the proposed change of use of the land at the front of the barn, would significantly and demonstrably outweigh the benefit of a new access position. Consequently, I conclude on the evidence before me, that the scheme runs contrary to the development plan when taken as a whole.
22. For the above reasons, taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR