



Appeal Decision

Site visit made on 20 June 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 17th July 2017

Appeal Ref: APP/N2739/W/17/3171586

Meadow Croft, Sweeming Lane, Little Fenton, Leeds, LS25 6HF

- 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 Michael Wilkinson against the decision of Selby District Council.
 - The application Ref 2016/0994/FUL, dated 16 August 2016, was refused by notice dated 25 November 2016.
 - The development proposed is the alteration and change of use of the existing agricultural barn to form two residential dwellings, land to the rear of Meadowcroft, Sweeming Lane, Little Fenton.
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Decision

1. The appeal is allowed and planning permission is granted for the alteration and change of use of the existing agricultural barn to form two residential dwellings at Meadow Croft, Sweeming Lane, Little Fenton, Leeds, LS25 6HF in accordance with the terms of the application, Ref 2016/0994/FUL, dated 16 August 2016, subject to the conditions in Annex A.

Main Issue

2. The main issue in this case is whether the proposal would provide a suitable site for development having regard to national and local policies which seek to protect the countryside and promote sustainable patterns of development.

Reasons

3. The appeal site comprises an existing single storey agricultural building which is accessed via a driveway from Biggin Lane. It is within the small hamlet of Little Fenton which is not identified as a settlement with a defined development limit. As such, along with the existing dwellings in Little Fenton, the site is outside the defined settlement limit of any nearby settlement, and therefore in the open countryside in planning policy terms.
 4. Policy SP2 A (c) of the Selby Core Strategy (Core Strategy) advises that development in the countryside, outside development limits, will be limited to (amongst other things) the replacement or extension of existing buildings, and the re-use of buildings, preferably for employment purposes.
 5. Paragraph 55 of the National Planning Policy Framework (the Framework) advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid isolated homes in the countryside
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- unless there are special circumstances. These include, where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
6. The proposal would re-use the existing dilapidated run down building and the Council accepts that it would lead to an enhancement to the immediate setting. However, the proposal would also see the building altered and in particular increased in height. The Framework does not provide any specific guidance for such circumstances and is silent in respect of the extension or alteration of a building. However, the Council accepts that in considering proposals for conversion, some degree of alteration is permitted as these are often reasonably needed in order to convert the building that was originally built for a non-residential purpose into one suitable for residential accommodation.
 7. The Council's approach is set out at Policy H12 of the Selby District Local Plan (Local Plan) concerning the conversion of buildings to residential use in the countryside. This requires that the building is structurally sound and capable of re-use without substantial re-building (criterion 3) and that the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, re-building and/or extension (criterion 4).
 8. I appreciate that this policy was adopted in 2005 and pre-dates the Framework. I also note the appellant's view that it employs a much more prescriptive approach to conversions than the Framework. However, I am conscious that the Framework does not change the statutory status of the development plan as the starting point for decision making, and in so far as it provides more detail than national policy, I have had regard to the provisions of Local Plan Policy H12.
 9. The building is constructed of blockwork with a shallow pitch roof overlaid with asbestos cement sheeting and has a ridge height of around 3 metres. The roof is supported by internal columns and timber and steel rafters. The structural survey concludes that the building is capable of supporting the proposed conversion into two dwellings. However, it recommends the introduction of a new blockwork inner leaf which would allow the formation of an insulated cavity behind the existing external walls. It also details the replacement of the existing roof with a clay tiled roof, which would rise approximately 2.3 metres above the existing roof height for the full width and depth of the building.
 10. I accept that the proposed roof would add to the bulk and mass of the existing building. That said, in practical terms, the appellant confirms that the existing roof would not provide the headroom required for residential use, or have the structural strength to support a tiled roof. The new inner leaf would create a cavity wall to meet the required building regulations and allow the addition of the tiled roof instead of the asbestos. The Council does not dispute these findings. There would be no increase in the footprint of the building and, other than the roof, no demolition is proposed. The existing walls would be retained and although new windows and a door would be provided on the north elevation, for the most part the existing openings on the southern (or front) elevation would be re-used. As such, it seems to me that most of the existing structure would remain and the works would be strictly limited to those necessary to convert the building. Accordingly, in my view they would not be excessive or go beyond what would be reasonable to allow the residential use of the building.

11. The supporting text to Local Plan Policy H12 explains that it is important to ensure that the conversion can be carried out sympathetically without damaging the intrinsic character of the building and without substantial re-building, extension or alteration. Despite the raising of the roof, the building overall would retain its appearance as a modest single storey structure with simple functional openings and proportions. There would be no rooms in the roof or second storey. As such, the proposed works would be sympathetic to the rural character of the existing building and inkeeping with the other properties nearby, some of which are themselves conversions of former agricultural buildings.
12. Taking all these factors into account, I am content that the building is structurally sound and do not regard the works proposed to involve substantial re-building. Although the proposed increase in the height of the roof would not take place within the fabric of the existing building, much of the works would, and I am satisfied overall that the alterations required are not extensive. As such, the proposal would accord with the provisions of criteria 3 and 4 of Local Plan Policy H12.
13. Turning to the provisions of paragraph 55 of the Framework, the appeal site sits immediately behind the existing residential properties fronting Sweeming Lane. It adjoins Manor House to the north and The Granary to the east. It is well contained by the existing access which forms a defensible boundary to the fields beyond to the west. Consequently, the site appears very much as part of the existing built up area and does not protrude into open fields or the surrounding landscape. This being so, the proposed dwellings would relate closely to the other properties in Little Fenton, and would not be isolated in the countryside in the sense of their location close to other dwellings.
14. I am also satisfied that the proposal would improve the appearance of the somewhat derelict site and dilapidated building. It would provide an attractive pair of buildings that would be sympathetic to the others nearby and would enhance the immediate setting of the existing structure as required by bullet point 3 of paragraph 55 of the Framework. Furthermore, it would not be prominent from the surrounding countryside or detract from the rural nature of the locality and would cause no harm to the character and appearance of the wider area.
15. In terms of the settlement hierarchy the Council regards the site to be within the least sustainable location for residential development in the District. There are no services or facilities in Little Fenton and only limited access to public transport. The nearest settlements with a defined development limit are Church Fenton, considered by the Council to be around 2 miles to the north, and Sherburn in Elmet around 3 miles to the south west. Whilst there would be opportunities for cycling, I accept that there would be some reliance of the future occupiers of the proposed dwellings on the use of the private car to access services and facilities.
16. That said, the car journeys would not be long and would not be particularly unusual in a rural area. Paragraph 29 of the Framework indicates that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. As such, it seems to me that a higher proportion of journeys by car can be reasonably expected in rural areas.

17. The future residents would support local facilities and services in the nearby centres. Paragraph 55 of the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. As such, I am generally content that despite the reliance of the future occupiers on the private car, the proposal would nevertheless be located where it would enhance or maintain the vitality of rural communities.
18. With reference to the three dimensions of sustainable development set out at paragraph 7 of the Framework, the proposal would create construction work, and the future residents would bring their spending power to the local economy. This would contribute to the economic role of sustainable development. With regard to the social role, the proposal would add two dwellings to the supply of housing and help to support strong, vibrant and healthy communities. It would contribute to the Council's housing supply against the backdrop of an absence of a five year supply of housing land and accord with the Government's aim to significantly boost the supply of housing.
19. In terms of the environmental role, the proposal would re-use an existing building, make good use of natural resources and enhance the character and appearance of the site. Whilst the future occupiers would be reliant to some extent on the private car, given the scheme's limited scale, rural location and the relatively short journey lengths that would arise, I am not persuaded that the proposal would unduly undermine the Government's anticipated move towards a low carbon economy. As such, as a whole I find that the proposal would be sustainable development.
20. I have had regard to the Council's reference to a recent appeal¹ decision elsewhere in Little Fenton where the Inspector found that the construction of that single dwelling in the open countryside, remote from facilities and services, would not satisfy the Framework's definition of sustainable development. However, that proposal concerned a new dwelling rather than a conversion, and in contrast to the appeal scheme the Inspector found that it was not substantially enclosed by existing development and that the character of the surrounding area was distinctly rural. As such, I do not regard that case to be the same as the one before me. In any event, I confirm that I have considered the proposal on its own planning merits and made my own assessment as to its potential impacts.
21. I therefore conclude on the main issue that the proposal would provide a suitable site for development having regard to national and local policies which seek to protect the countryside and promote sustainable patterns of development. I see no conflict with Core Strategy Policy SP1 which sets out the Council's approach to the presumption in favour of sustainable development, or with Core Strategy Policy SP2 A (c) which does not rule out the re-use of buildings for residential purposes. Nor would it conflict with Local Plan Policy H12 (criteria 3 or 4) or the provisions of paragraph 55 of the Framework.

¹ APP/N2739/W/15/3004050

Conclusion and Conditions

22. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework advises that in such circumstances the relevant policies for the supply of housing cannot be considered up-to-date. Even so, the presumption in favour of sustainable development is set out at paragraph 14 of the Framework. The second part of that paragraph indicates that for decision making this means approving development proposals that accord with the development plan without delay.
23. In this case I have found that the proposal accords with the development plan and would be sustainable development. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
24. The Council has suggested a number of conditions which I have considered in the light of the advice in the Framework and the Government's Planning Practice Guidance. I have amended some of the wording for the sake of clarity.
25. A condition requiring development in accordance with the approved plans is necessary in the interests of certainty. Details of the materials of the external surfaces of the dwellings are required in the interests of the character and appearance of the area. A condition relating to the potential for the land to be contaminated is necessary to ensure that risks from land contamination to future occupiers are minimised in the interests of their living conditions and also to safeguard against pollution.
26. A condition is required to ensure the development is carried out in accordance with the submitted flood risk mitigation measures in order to reduce flood risk. A condition requiring development in accordance with the ecology appraisal and statement relating to newts is necessary in the interests of nature conservation and protected species. A condition to secure separate systems of drainage for foul and surface water is needed in the interests of satisfactory and sustainable drainage. Finally a condition removing permitted development rights in relation to extensions, garages, and outbuildings as well as the creation of new openings in the dwellings is necessary in the interests of the character and appearance of the surrounding area and the living conditions of nearby occupiers.

Elaine Worthington

INSPECTOR

Annex A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 2559-01-01A Existing Plans, drawing number 2559-03-01 Proposed Plans, and drawing number SL(5)500A Drainage Layout.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.
- 5) The development shall be carried out in accordance with the flood risk mitigation measures in the Flood Risk Assessment Report prepared by Ward Associates Consulting Ltd dated August 2016.
- 6) The development shall be carried out in accordance with the Preliminary Ecological Appraisal Report and Non-Licensed Method Statement Relating to Great Crested Newts prepared by Curtis Ecology dated August 2016.
- 7) The site shall be developed with separate systems for foul and surface water on and off site.
- 8) Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings or other structures shall be erected, or new windows, doors or other openings inserted, other than those expressly authorised by this permission.