The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/P2935/W/17/3172462
Bavington Mount, Access Track to Bavington Mount, Capheaton NE19 2BD

- 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 Mrs C Hogg against the decision of Northumberland County Council.
- The application Ref 16/03666/FUL, dated 29 September 2016, was refused by notice dated 26 January 2017.
- The development proposed is dismantling existing shed, change of use of existing buildings to residential use and construction of extension on part footprint of existing shed.

Decision

1. The appeal is allowed and planning permission is granted for dismantling existing shed, change of use of existing buildings to residential use and construction of extension on part footprint of existing shed at Bavington Mount, Access Track to Bavington Mount, Capheaton NE19 2BD in accordance with the terms of the application, Ref 16/03666/FUL, dated 29 September 2016, subject to the following conditions:

    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: BM/08/LP/01; BM/08/EBP/02; BM/08/PBP/03; BM/08/EP/04; BM/08/EE1/05; BM/08/EE2/06; BM/08/PP/07; BM/08/PE1/08; and, BM/08/PE2/09.

    3) No development hereby permitted shall take place until details of all external materials to be used in the development have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

    4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Preliminary Matter

2. The description in the heading above is taken from the original application form. The Council used a different description on its decision notice. The appellant indicates that the revised description was not agreed. I have therefore used the original description in the formal decision above.

Main Issue

3. The Council has raised no concerns with the proposed change of use. I see no reason to come to an alternative view. Thus, the main issue is the effect of the proposed extension on the character and appearance of the area.

Reasons

4. The appeal relates to a stone built barn with a pitched slate roof. Of simple design, it forms part of an isolated farmstead in the open countryside. The farmstead is characterised by agricultural buildings, both modern and traditional in appearance, arranged around a courtyard in a somewhat archetypal and inherent agrarian setting. The buildings comprise a stone built farm house with a pitched roof, with a stone barn and more modern, steel framed barns with corrugated roofs. The traditional barn to which the appeal relates adjoins a steel framed building which is proposed to be removed. The barn, through its use of materials which reflect those of the farmhouse and its subservience in scale and design, makes a positive contribution to the hierarchy of buildings within the farmstead and the character of the immediate setting.

5. It is proposed to convert the existing barn to residential use. To facilitate the conversion, it is proposed to construct an extension on the east elevation of the building. The extension would have a 'cat-slide' roof projecting from the ridge of the two-storey barn and extending beyond the east elevation of the barn by around 3.3m, with a single storey addition adjacent. It would also be two-storey in height with an eaves height greater than that of the existing building. Appearance wise, it would utilise zinc, timber cladding and aluminium windows and doors. As such, the extension would undoubtedly be modern in design and obscure a significant proportion of the existing barn.

6. Nevertheless, very little of the western elevation of the barn is apparent at present due to the existing steel framed building which adjoins it. That would be removed to facilitate the extension and therefore more of the traditional barn would be exposed than at present. The extension would also cover a relatively modest footprint of around 45m² in contrast to the 375m² of the original barn, whilst the overall volume of the extension would also be comparatively low.

7. The materials would also respond, to an extent, to common features within the immediate and wider setting, such as the use of metal roofing found in steel framed barns on the site and in the wider area. The timber cladding would also reflect the wider rural environment.

8. Furthermore, the proposal would retain much of the historic character of the western elevation of the building and would therefore, retain its traditional appearance in the context of the farmyard. In addition, the northern and southern elevations would be largely unchanged. The extension would not be visible on approach to the farm or indeed within several vantage points within

the farmyard itself. Whilst it would be apparent from the east, little of the traditional character of the agricultural setting is apparent from that aspect at present due to existing barn. Moreover, the extension would not be readily visible in the public realm with the farmstead being screened by substantial planting. As a result, the proposal would not appear in stark contrast to nor would it unduly erode the character of the existing buildings. I am therefore satisfied therefore that, whilst the proposal would not lead to an enhancement of the immediate setting, it would maintain it.

9. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. It would, consequently, accord with Saved Policies GD2 and H32 of the Tynedale District Local Plan 2007 which state that development will be required to respect the positive characteristics of the natural and built environment, and that residential conversions will be required to reflect the distinctive character of the District. It would also accord with Policies BE1 and H6 of the Tynedale Local Development Framework Core Strategy 2007 which state that development should be high quality design that will maintain and enhance the local character and which control the residential conversions of buildings in the open countryside subject to certain criteria, including preventing harm to the character of the building and the area.

10. Finally the proposal would accord with paragraphs 55 and 60 of the National Planning Policy Framework (the Framework) which promote sustainable development in rural areas and state that architectural styles not be imposed and that local distinctiveness should be promoted or reinforced.

Conditions

11. In addition to a standard time limit condition, a condition requiring accordance with the approved plans is necessary to provide certainty. Whilst I agree with the appellant that the Council's suggested condition is overly prescriptive and unnecessary, a condition requiring submission of the details of the materials to be used in the construction of the development is nevertheless necessary to ensure the proposal would not unduly affect the character and appearance of the area. Given the appeal site's agricultural use, a condition is necessary to prevent any harmful impacts arising from contamination.

12. The Council's suggested condition in respect of the design of the rooflights is unnecessary as the detail of the rooflights is depicted on the approved plans and the materials would fall to be agreed under the condition relating to materials. Paragraph 204 of the Framework is clear that conditions should not be used to restrict permitted development rights unless there is clear justification for doing so. In the absence of any detailed justification from the Council, I do not consider a condition to prevent any further alterations, extensions or outbuildings necessary.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR