



Appeal Decision

Site visit made on 24 July 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/Z2260/W/17/3172824

Barn Owls, Preston Road, Manston, Ramsgate CT12 5AS

- 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 Amanda Kempton against the decision of Thanet District Council.
 - The application Ref F/TH/16/1517, dated 2 November 2016, was refused by notice dated 3 January 2017.
 - The development proposed is described as "*the conversion of the existing agricultural barn into a residential dwelling*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: -
 - a) Whether the proposal is an appropriate location for new residential development; and
 - b) The effect of the proposal upon the character and appearance of the area.

Reasons

3. There is dispute between parties as to whether or not the proposed works would constitute the conversion or re-use of the existing building or a new build development. Much has been said by both parties in relation to Class Q¹ and the Council has referred me to the Hibbit High Court judgement². However, the proposal before me is not Class Q development and does not benefit from any approval under Class Q. Therefore the proposed development needs to be considered against the National Planning Policy Framework (the Framework) and the development plan.
4. Paragraph 55 of the Framework supports the re-use of redundant or disused buildings in rural areas. The proposal would retain the existing steel frame but four new walls and a roof, along with a new first floor structural support, would be constructed to facilitate the creation of a dwelling. I do not consider that these works, by removing all the external cladding, would constitute the re-use of the existing barn building. Whilst a distinction between re-use, conversion

¹ Class Q of Part 3 of the Second Schedule to the 2015 General Permitted Development Order (GPDO).

² Hibbit v SSCLG [2016] EWHC 2853 (Admin).

and rebuild requires a degree of judgement, I find that, in this case, the amount of new operational development would more closely resemble that of a new build development despite the steel frame of the existing barn being retained. I therefore conclude that the proposed development would not fall within the paragraph 55 re-use of a redundant building special circumstances exception.

5. Policy CC1 of the Thanet Local Plan (the Local Plan) restricts development outside the development boundaries. Policy H1 of the Local Plan directs new residential development to allocated sites or to previously developed sites within existing built-up confines and requires new residential development to demonstrate adequate infrastructure and access. Paragraph 55 of the Framework seeks to avoid isolated homes in the countryside. The site lies outside of any designated development boundary and is in the countryside.
6. The Council, however, has acknowledged it is currently unable to demonstrate a five year supply of housing. Paragraph 47 of the Framework and, in such circumstances, paragraph 49 instructs that policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The presumption in favour of sustainable development at paragraph 14 of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Location and accessibility

7. The appeal site is located within a small, loose cluster of dwellings and buildings related to a cattery positioned either side of the highway. These dwellings are surrounded by open countryside. The location has no services or facilities.
8. The village of Manston is 0.8 kilometres from the appeal site. It offers very limited services and facilities, although there is a public house and access to a bus service providing links to Ramsgate and Minster. There are no footways or continuous street lighting along the adjoining highway which exhibits all the characteristics of a narrow rural lane. Walking and cycling to and from the site and to access public transport and the limited facilities at Manston would be potentially hazardous and unappealing, particularly at night and in winter. There are therefore practical difficulties for access by walking, cycling and public transport. The occupiers of the proposed dwelling would, in my opinion, rely to a large extent on the use of private vehicles to access services and facilities on a day-to-day basis at larger towns, such as Ramsgate and its train station, which are around 5 and 4 kilometres respectively from the appeal site.
9. Further to the above, paragraph 55 of the Framework promotes sustainable development in rural areas where it would enhance or maintain the vitality of rural communities. The creation of one additional dwelling in this location would not, in my opinion, contribute in any significant way to supporting services in Manston, taking into account the general absence of services or facilities within the village, or other rural communities.
10. The appellant highlights that rural dwellings approved under the Class Q GPDO prior approval process can occur in isolated locations. As such, these Class Q dwellings could also be isolated in accessibility terms. This may be so but this

does not offer support or justify proposals for rural dwellings that are subject to assessment against the Framework and development plan policies or reduce the weight given to their aims and policies.

11. For the above reasons, the proposed development would not be an appropriate location for new residential development. The proposal would conflict with paragraph 55 of the Framework and Policies CC1 and H1 of the Local Plan that seek to achieve sustainable development. The proposal would also conflict with paragraphs 29 and 37 of the Framework that seek to reduce the need to travel and give people a choice about how they travel, amongst other matters. This weighs heavily against the scheme.

Character and appearance

12. The building is located adjacent to Preston Road and is clearly visible when travelling along this highway in both directions. It is also visible in views from the wider rural landscape and public rights of way in the area, such as, the pathway that traverses the solar farm within the adjacent field. The barn is the last remaining agricultural structure within this small cluster of dwellings and cattery buildings, all of which are of different design, scale and form. However, I observed that the existing barn, in its current condition, is of typical barn appearance. It does not in itself appear out of keeping with the surrounding rural context, despite being located at the periphery of a cluster of dwellings and other buildings and not forming part of a farmyard setting.
13. The proposed dwelling, although retaining the scale and shape of the existing structure, including barrel vaulted roof shape, would host on all elevations multiple large window openings and doors, all of which would create a development of domestic appearance. Whilst the shape of the building would not change the modifications to all four elevations would create a building that would substantially urbanise the character and appearance of the appeal site.
14. The new dwelling would be positioned on the same footprint as the barn. It would have a similar relationship to the road frontage as Barn Owls and Preston Farm Barn. It would be positioned at the edge of the existing cluster of buildings and adjacent to the wider landscape that is characterised predominantly by fields. The proposed dwelling of urban appearance would be out of keeping with the surrounding rural landscape and, unlike the existing barn, would not respect its rural setting. Furthermore, it would not reflect the form and appearance of the adjacent residential properties or other buildings and therefore would not assimilate into this nearby existing development. This large building would be clear in views from the surrounding land and from the adjacent highway, although I accept the vegetated boundary to the west of the appeal site would offer some screening.
15. Although the enclosed land to the west has a maintained appearance and hosts a shed/summerhouse and pergola, the creation of a dedicated domestic garden incorporating a patio associated with the new dwelling would compound the urbanisation of the land at the appeal site. The removal of permitted development rights could prevent proliferation of outbuildings and outdoor residential paraphernalia. However, I consider it would be reasonable for future occupiers to expect to be able to make full use of their garden for domestic purposes and to be able to erect ancillary outbuildings.

16. The appellant refers me to Preston Farm Barn to the east of the appeal site that has been converted to a dwelling. However, that building is a Grade II Listed building and is of markedly different character to that of the appeal building. The appeal before me relates to a different site and therefore can and should be considered in its own right. The appellant also suggests that there are increasing examples of more modern and more utilitarian agricultural buildings in rural areas that have been re-used to form dwellings. However I have not been directed any such examples within the vicinity of the appeal site.
17. Although the existing building is redundant for agricultural purposes, for those reasons set out earlier above the proposed development would have a harmful effect upon the character and appearance of the area. The proposal would therefore conflict with Policy D1 of the Local Plan that seeks new development to respect or enhance the character and appearance of the surrounding area, amongst other matters. This weighs heavily against the scheme.

Other Matters

18. I acknowledge that the appeal site is at low risk of flooding and that the proposed development would not impact on the listed Preston Farm Barn to the east of the site. Furthermore the proposal would not harm the living conditions of adjoining occupiers and the new dwelling itself would provide a good standard of accommodation for future occupiers. The existing access onto Preston Road that is used by customers and staff of the adjacent cattery and dwelling to the east would also be used by the future occupiers. I accept the traffic generated by a single dwelling would be unlikely to impact upon highway safety and that Preston Lane already serves other residential properties, farms and businesses in the area. Whilst these are positive attributes of the proposed development they carry moderate weight in favour of the scheme.

Planning Balance and Overall Conclusion

19. The Council confirms that they do not have a 5-year supply of housing in place. The Council's policies that relate to the supply of housing are therefore out-of-date. Paragraph 14 of the Framework is therefore engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Furthermore, I am mindful that the Framework requires decisions to be made with regard to the presumption in favour of sustainable development and Policies CC1 and H1 of the Local Plan that restrict development outside the development boundaries.
20. The uplift in one dwelling would, to some extent, support the social and economic dimensions of sustainable development, as set out in paragraph 7 of the Framework. The proposal would make a small contribution to the District's housing supply and provide employment during construction. However, given that the uplift would only be a single dwelling, I attach only moderate weight to these social and economic benefits.
21. Turning to environmental considerations, the appeal site is remote from any existing town or village. The proposed development would not meet the environmental role by failing to respond to the need to mitigate and adapt to a low carbon economy and would not support the day to day needs of a rural community. The proposed development would also have a harmful impact upon the character and appearance of the area. These factors place the

proposed development in conflict with the environmental dimension of sustainability, as set out in paragraph 7 of the Framework. This weighs very heavily against the scheme.

22. When the Framework is considered as a whole, I find the scheme does not constitute sustainable development. This is because the positive housing supply and other benefits set out above are significantly and demonstrably outweighed by the specific environmental harm identified. Furthermore, I conclude that the scheme conflicts with the development plan as a whole.

23. Having regard to the above findings, the appeal is dismissed.

Nicola Davies

INSPECTOR