



Appeal Decision

Hearing held on 4 July 2017

Site visit made on 4 July 2017

by David Walker MA MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/C1625/W/17/3171963

**Baynham Court Farm, Crossways to Cockshute Lane, Wick, Dursley
GL11 6DA**

- 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 Colin Pain against the decision of Stroud District Council.
 - The application Ref S.17/0181/FUL, dated 24 January 2017, was refused by notice dated 28 February 2017.
 - The development proposed is change of use of single building to a mixed use comprising one bedroom dwelling and self-contained office.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the proposal would be at a suitable location for a new dwelling and, if not, whether any special circumstances exist.

Reasons

3. The building to be converted to a dwelling and separate office falls within a farm that has been formed by the subdivision of a larger unit. As no dwelling exists within the farm the proposal would provide a home for the appellant and additional income from the office element of the scheme.
4. There is no dispute that the farm is already heavily diversified. The majority of the income is derived from DIY livery facilities and the use of land for motocross, plus a farming subsidy payment. Agricultural activities make up only a small proportion of the overall turnover. As an essential need as described within the National Planning Policy Framework (the Framework) is not being pursued the dwelling element of the scheme falls to be considered as an unrestricted new dwelling.
5. Being located in a rural area the dwelling would be some distance from the nearest settlement. While the appellant is able to live with a good degree of self-sufficiency, future occupants of the dwelling would have limited access to the range of services and facilities required on a day to day basis. There would be a need to travel to the main towns, market towns or larger villages of the area that are able to provide a range of services.

6. A dwelling at such a location would conflict with the strategy adopted by the Stroud District Local Plan 2015 (the Local Plan) to concentrate housing growth in settlements with capacity and restricting it in those areas that do not. Only in exceptional cases does the Local Plan support the provision of isolated dwellings in the open countryside. These include the provision of occupational dwellings essential to the maintenance or enhancement of a sustainable farming or forestry enterprise.
7. There is nothing in the Local Plan that supports the conversion of rural buildings to form unrestricted dwellings. This approach differs from paragraph 55 of the Framework where a conversion in certain circumstances is one of the few exceptions where an isolated new home would be acceptable. However, the Local Plan is a current document that has been found to be sound and in conformity with the Framework at an independent examination. The lack of a specific conversions policy does not necessarily bring it into conflict with the Framework.
8. It is significant that the Framework at paragraph 209 seeks to strengthen local decision making and reinforce the importance of up-to-date plans. There is nothing therefore to indicate that the Council is not entitled to pursue its own local housing strategy to respond to specific issues where this includes being silent on matters otherwise contained within the Framework.
9. A previous application for prior approval required under Class Q permitted development rights was unsuccessful. The appeal scheme accordingly includes an extended curtilage to overcome objections to the dwelling's proximity to potential livestock. At the hearing this matter was not pursued further by the Council. It remains open to the appellant to submit a further application. But in the absence of any agreed Class Q rights the unproven potential for a permitted development does not lend weight in support of setting aside the policies of the Local Plan.
10. In relation to the proposed office, there were no objections raised to this element of the scheme. It would accord with the farm diversification measures permitted under Delivery Policy E15 of the Local Plan. Although it would be functionally separate from the dwelling the conversion would affect the whole building with tanking of the walls and roof works including new battens, insulation and clay tiles. As it is not shown that these works could be undertaken for only a part of the building, in isolation of the remainder, a split decision allowing only the office element is not a feasible option.
11. Overall, while paragraph 55 of the Framework is a significant consideration there is nothing to demonstrate that it should outweigh the primacy to be afforded to the Local Plan under the Planning Act. The proposal would therefore conflict with the housing strategy of the Local Plan set out at Core Policies CP2 and CP3, and the protection of the countryside afforded by Core Policy CP15. As the pattern of housing growth would be in conflict with Core Policies CP1 and CP14 of the Local Plan the proposal would amount to an unsustainable development.
12. While I acknowledge the support for the scheme offered by the Alkington Parish Council I conclude that the proposal would be at an unsuitable location for a new dwelling and that special circumstances to find otherwise have not been demonstrated.

Conclusion

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

David Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Blaken BSc (Hons) MRICS FAAV	David James and Partners
Colin Pain	Appellant

FOR THE COUNCIL:

Jamie Cooper	Stroud District Council
Robert Fox BSc (Hons) MRICS FAAV	Fox Rural

INTERESTED PARTIES:

Helen Wiltshire	David James and Partners
-----------------	--------------------------

DOCUMENTS SUBMITTED AT THE HEARING

Delivery Policy E15 of the Stroud District Local Plan 2015