The Planning Inspectorate

Appeal Decision

Site visit made on 18 July 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/V2255/W/17/3171794
Unit 5, Oakwood Farm, Ruins Barn Road, Tunstall, Sittingbourne, ME9 8AA

- 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 and Mrs Alex Wilkins against the decision of Swale Borough Council.
- The application Ref 16/507037/FULL, dated 23 September 2016, was refused by notice dated 21 November 2016.
- The development proposed is the residential use of outbuilding, side extension and alterations to roof with associated car parking and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Supreme Court handed down judgement on the Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG, Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council case on 10 May 2017. Having regard to the judgement, I do not consider that it has any direct implications for the cases of the parties in this appeal.

3. The parties agree that the residential re-use of the appeal site (Unit 5) has been established through planning permission Ref SW/01/0763, which provided for the conversion of the building to a single storey dwelling together with the residential conversion of the adjacent oast house. This permission has been implemented, with several of the residential units created being occupied. The unit immediately adjacent to Unit 5 is currently being converted. No conversion works have yet been carried out to Unit 5.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Unit 5 is a modest, single-storey agricultural type building, constructed principally of brick, timber and clay tiles, and forming part of a group of buildings formerly associated with Oakwood Farm. The site lies in open countryside and shares access from Ruins Barn Road with the residential units in the adjacent oast building and Oakwood Farm Cottages nearby. Unit 5 is well set back from the road, beyond the oast building.

6. It is proposed to extend Unit 5 to the side to provide a wider building of increased height, which would allow for residential accommodation at first floor level. There is some discrepancy between the appellants' and the Council's measurements, but the increase in ridge height would be around 1.65m to 1.8m and the increased width around 3m to 3.3m. The new roof would be barn-hipped with several rooflights, and a number of domestic-grade doors and windows would be added to the building, which currently has limited openings, including a window in each end and a partially closed-up large doorway.

7. Saved Policy RC6 of the Swale Borough Local Plan 2008 (SWLP) generally seeks to restrict the residential conversion of rural buildings, except in three specified circumstances, which are essentially irrelevant to this case as the principle of a residential re-use has been established. However, the policy goes on to advise that in all cases the building should be capable of conversion without the need for significant extension, alteration or reconstruction, among other things. The extent and nature of the extension proposed would be such that a three-bedroom, two-storey dwelling would result, which would be significantly larger than the existing building. The building would be clearly visible in public views across fields from the road and from the footpath that passes nearby.

8. While the enlarged building would remain generally subservient to the much more substantial oast building, the overall scale and appearance of the resulting building would be significantly altered from its current form. I note that traditional materials are proposed, and that details of the design, such as the barn hips, would reflect the agricultural origins of the building to some degree. However, the altered building would take on an overall domestic appearance, which together with its increased scale would significantly and unduly detract from its original form and character that is reflective of, and entirely consistent with, its historic grouping and wider countryside setting. I acknowledge that the extant residential permission for the building includes domestic doors and windows. While some domestication of the character of the building would be inevitable, the overall extent of alteration and enlargement of the building as permitted would be significantly less than in the scheme before me.

9. The Council's supplementary planning guidance, 'The Conservation of Traditional Farm Buildings' 2011 (SPG), sets out that the Council wishes to protect the very best of its rural buildings. While there is limited evidence before me upon which to determine whether Unit 5 meets the SPG definition of a traditional farm building in relation to the principle of residential re-use, some of the general advice in relation of the physical conversion of farm buildings is applicable and echoes some aims of Policy RC6. In particular, the SPG sets out that it will not normally be appropriate to extend the building to accommodate the new use, and that no window openings should be made in roofs. The proposal would be inconsistent with the SPG in these respects, notwithstanding that several roof lights have been inserted into the oast building.

10. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with saved Policy RC6 of the SBLP, the relevant criteria of which are set out above. It would also conflict with saved SBLP Policies E1 and E19, which set out general development and design criteria including to protect and enhance the natural and built environments and reinforce local distinctiveness; Policy E6,

which seeks to protect and enhance the countryside including through the re-use of rural buildings in accordance with Policy RC6; Policy E9, which seeks to protect the quality and character of the landscape including by minimising adverse impacts of development; and Policy E24 which seeks to ensure that extensions to buildings are in scale in height and massing in relation to its surroundings or individual details.

11. The saved policies of the SBLP pre-date the National Planning Policy Framework but their aims are generally consistent with the aims of the Framework in relation to design and recognising the intrinsic character and beauty of the countryside. I have therefore afforded them significant weight in this appeal.

Other Matters

12. I note that planning permission SW/99/78 allowed for an office building on the site of similar footprint and massing to the proposed development. However, the evidence before me indicates that permission was not implemented and so would no longer be extant. It also dates from around 18 years ago and therefore from a superseded local and national planning policy context. Furthermore, the Council's report advises that the enlarged building was accepted in connection with the commercial use of the main premises to allow greater employment potential.

13. The appellants consider that the scheme would enhance the appearance of a rundown, utilitarian building and that landscaping and topography would ensure no adverse impacts. While the building is somewhat rundown, its utilitarian nature forms part of its rural character. Landscaping could improve the appearance of the site, but would not fully screen the resulting building from public views or override the conflict with the development plan I have identified above.

14. I also note the views that the proposal would make best use of previously developed land, and would be located around 1.5 miles from Sittingbourne town centre. These factors relate mainly to the principle of residential use, which is not in dispute, and are therefore of limited weight in this case.

15. I conclude that none of the matters discussed in this section of my decision add materially to the case for or against the appeal.

Conclusions

16. For these reasons, and having regard to all maters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR