

Appeal Decision

Site visit made on 25 July 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 16th August 2017

Appeal Ref: APP/W0340/W/17/3172160

Chestnut Coppice, Rag Hill, Aldermaston, Reading RG7 4NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Messers A and A Fincken against the decision of West Berkshire District Council.
 - The application Ref 16/01941/FULD, dated 26 July 2016, was refused by notice dated 21 September 2016.
 - The application sought planning permission for redevelopment, alterations and conversion of traditional open fronted barn to form 1x live/work unit. Existing use: Agricultural/Forestry without complying with conditions attached to planning permission Ref 11/01563/FULD, dated 29 November 2011.
 - The conditions in dispute are No 12 which states that: 'The occupation of the dwelling shall be limited to a person (including their resident dependants) solely or mainly employed in the workshop as identified in this planning permission. The dwelling or workshop shall not be sold/ leased/ rented or otherwise separately disposed of and must remain as a live work unit'; and No 13 which states that: 'The workshop floorspace, as shown on drw. no. 11/026-01 received on 20th July 2011, shall remain as a workshop for use of those solely or mainly employed at the workshop and residing in the dwelling and shall not be converted from a workshop to living accommodation' ; and No 14 which states that: 'The workshop floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use'.
 - The reasons given for the conditions are: No 12 'This permission has been given because the live work unit ensures that the sustainable development principles are maintained in accordance with PPS7. The Local Planning Authority are concerned to ensure that the dwelling remains available for use of those solely or mainly employed in the workshop in accord with the guidance contained within PPS7'; and No 13 'This permission has been given because the live work unit ensures that the sustainable development principles are maintained in accordance with PPS7'; and No 14 'To accord with the sustainable development principles of PPS4 and PPS7'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the submission of the appellants' appeal the West Berkshire Housing Site Allocations Development Plan Document (WBSAD) was adopted by the Council on the 9 May 2017. In light of the advanced stage of its preparation, this document was referred to in the Council's appeal submissions. Further, as
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indicated in their statement, the appellant was clearly aware of the preparation of this document. Moreover, Policies C1 and C4 of the WBSAD replace saved Policies HSG.1 and ENV.19 (in its application to residential uses only) of the West Berkshire District Local Plan. I have considered the appeal on this basis.

Main issue

3. The main issue is whether it has been adequately demonstrated that the live-work unit is genuinely redundant and whether the loss of the unit would materially affect the vitality and viability of the surrounding rural area.

Reasons

4. Chestnut Coppice is a modest live-work unit, which has been recently converted from a former open cart type barn and is located in an isolated rural area. The unit contains living, kitchen and workshop accommodation on the ground floor, with 2 bedrooms and a bathroom on the first floor.
5. Policy CS10 of the West Berkshire Core Strategy (WBCS) seeks amongst other things to ensure that the loss of an employment site or premises does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area. Policies C1 and C4 of the WBSAD seek amongst other things to ensure that new housing in the countryside is located within identified settlements. The Policies also permit the conversion of existing buildings in the countryside to residential use providing that it can be demonstrated that the building is genuinely redundant.
6. The appellants have argued that there is no development plan policy requirement that would restrict the building to a mixed residential commercial use. I accept based on the evidence before me that the property has not been used for live-work accommodation since its conversion. However, this does not mean that it is not capable of such a use or that it could not make a contribution to the rural economy in the context of the adopted development plan policies. Consequently, notwithstanding the limited size of the workshop it is necessary for me to consider if the appellants have adequately demonstrated that the live-work unit is genuinely redundant.
7. I have therefore carefully considered the appellants' representations with regard to the effect of the proposal on the rural economy including marketing evidence in the form of letters from their agents. Whilst I accept that the property has been marketed for sale since January 2014, there is no substantive or detailed evidence of how precisely the live-work unit has been marketed in the form of estate agents sales particulars/advertising. Furthermore, whilst the submitted estate agents' letters indicate that there has been some interest in the property, this has faltered once the prospective purchasers became aware of the planning conditions restricting the use of the property to live-work. Consequently, in the absence of copies of adverts and sales particulars that clearly set out how the live-work unit has been marketed, it has not been adequately demonstrated that it is genuinely redundant and that the loss of such a unit would not result in material harm to the vitality and viability of the surrounding rural area.
8. With regard to the Council's request for viability evidence in the form of business accounts. The building has not been used for live-work purposes since its conversion. In this specific circumstance, I accept that it would not be

possible for the appellants to demonstrate viability of an enterprise operating from the site through the provision of business accounts.

9. Having reached the conclusions above, it has not been adequately demonstrated that the live-work unit is genuinely redundant and that its loss would not materially affect the vitality and viability of the surrounding rural area. Therefore the removal of conditions No's 12, 13 and 14 would conflict with Policy CS10 of the WBCS and Policies C1 and C4 of the WBSAD.
10. In reaching this conclusion I have carefully considered the appellants' suggested fallback position relating to the conversion of agricultural buildings to residential use as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst it is accepted that Schedule 2, Part 3, Class Q allows the conversion of agricultural buildings to residential use, this does not represent an alternative to the proposal that can be afforded more than limited weight due to the building no longer being in agricultural use.

Conclusion

11. For the above reasons, and having carefully considered all other matters raised. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR