



Appeal Decision

Site visit made on 14 August 2017

by G P Jones BSc (Hons) MA MRTPI

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

Decision date: : 29 August 2017

Appeal Ref: APP/F1610/W/17/3174211

Syde Park Farm, Caudle Green, Gloucestershire GL53 9PP

- 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 Prentice against the decision of Cotswold District Council.
 - The application Ref 16/03870/FUL, dated 14 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is described as Change of use of barn to dwelling and all associated alterations; replacement of lean-to open store to the rear with a single storey lean-to extension; and all associated site works.
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Decision

1. The appeal is allowed and planning permission is granted for the Change of use of barn to dwelling and all associated alterations; replacement of lean-to open store to the rear with a single storey lean-to extension; and all associated site works at Syde Park Farm, Caudle Green, Gloucestershire GL53 9PP in accordance with the terms of the application, Ref 16/03870/FUL, dated 14 September 2016, and the plans submitted with it, and subject to the conditions contained in the attached schedule.

Preliminary matters

2. I note from the Council's decision notice that the appeal site is referred to as 'Shepherd's Barn'. However, I have used the site address and description as provided in the application form, although for the sake of brevity and improved clarity I have omitted the road description but added the county name.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to its open countryside location within the Cotswolds Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is a stone barn with a corrugated metal roof that is located on a hill side, with the land rising up from west of the site towards the Caudle Green to Brimspfield road that lies to the east. The site lies beyond the small hamlet of Caudle Green and is within the Cotswolds Area of Outstanding Natural Beauty (AONB). It is not in dispute between the parties that the site lies in an isolated, open countryside location and therefore paragraph 55 of the National Planning Policy Framework (the Framework) applies.

5. Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The list of such special circumstances that paragraph 55 goes on to describe includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In addition, paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Also footnote 9 to the fourth bullet point of paragraph 14 of the Framework applies.
6. It is not in dispute between the parties that the Cotswold District Local Plan 2001 to 2011 (LP), adopted 2006 is considered out-of-date in regard to the relevant policies in relation to this proposal, and LP policies were not cited in the Council's reasons for refusal. I concur with this and therefore attach little weight to the LP in this instance.
7. The barn is located some distance away from the main Syde Park Farm property and is also set back from the road that leads towards Brimpsfield. The barn is considered to be a non-designated heritage asset and thus is of historical importance within the landscape. The local topography is such that the barn is set down in relation to the road that lies to the east, so that when viewed from the aforementioned road only the roof and the upper part of the end gables are visible.
8. The public right of way west of the appeal site is set down in the valley. Due to the relationship between the appeal site and the surrounding road and public rights of way network, the barn is only visible at longer distances when viewed from public vantage points to the west. This is demonstrated in the photographs that were submitted for the consideration of the Council's Planning Committee. Although the camera details were not provided it is clear that a zoom lens was used to capture these images, with the distances to the barn stated as being 904m and 769m respectively.
9. The proposed addition of the single storey lean-to extension to the rear (east) elevation of the barn would be small in scale and subservient to the main building. Due to their location and scale neither the proposed lean-to extension nor the two car parking spaces, that would be located immediately in front of this extension, would be readily visible from public viewpoints.
10. The domestic curtilage has been kept to a minimum. Consequently, whilst there would be the potential for the introduction of domestic paraphernalia this would be limited by the size of the curtilage and would not be significantly visible from public vantage points due to the intervening topography as well as the distances involved.
11. As part of the proposal the barn would be re-roofed using corrugated metal sheeting, and the walls would be restored if required. Although not in a significant state of disrepair, the barn can be converted to a dwelling without significant alterations and would secure a long-term future for this non-designated heritage asset. The proposed new roof and the introduction of a sheep fold adjacent to the barn and bounded by a drystone wall would add to the character and appearance of both the building and its surrounds within the landscape, as reported in the officer's report to Planning Committee.

12. The proposal would bring residential development into part of a secluded valley where none currently exists. The proposal would include a rooflight that would be sited above the proposed first floor bathroom. There would inevitably be some additional light spill due to the residential use of the barn at night. However, the restrained nature of the additional fenestration proposed and the distance of the barn from public viewpoints would mean that the light spill would be limited and acceptable overall.
13. I then turn to the matter of the proposed access track. Much of track already exists and currently comprises a mud track with a grass verge in the middle. The proposal would see this track extended and overlain with stone chippings, with the central grassed verge retained, and thus it would not be a sealed hard surface track in the sense of tarmac or concrete.
14. I accept that my site visit took place when vegetation was in full leaf thereby providing more screening than in the winter months. However, due to the topography of the surrounding area the proposed access track would not be readily visible from the nearby road to the east and would only be visible in some long distance views from public vantage points to the west. It is also the case that such tracks are not uncommon within the AONB. I also have regard to the 'fallback' position cited by the appellant that would allow for the creation of a farm track or adding stone to an existing track as permitted development, and thus could take place without the imposition of relevant planning conditions.
15. I therefore consider that by virtue of its scale, design and location the overall proposal would conserve the landscape and scenic beauty of the AONB and thus would comply with paragraph 115 of the Framework.

Other matters

16. The appellant has detailed a number of other cases within the District where permission has been granted for barn conversions in isolated locations. I do not have the full details of these cases and inevitably their individual circumstances would differ from those of the proposal that is before me. Whilst I therefore accord limited weight to these other cases they do indicate that the conversion of redundant agricultural buildings within the AONB has recently been considered acceptable by the Council in some instances.
17. The appellant has indicated that the dwelling would be occupied by a family member. Whilst I have no reason to doubt this would be the case, it has not been secured by the submission of a planning obligation and neither has the Council recommended a planning condition in this regard. Consequently, I attach little weight to this aspect of the proposal.

Conditions

18. In addition to the standard condition which provides a timescale for the commencement of the development, the Council has suggested a number of conditions in the event that the appeal succeeds. I have considered these in light of the advice contained within the Planning Practice Guidance (PPG). In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG.
19. A condition to specify and direct that the development accords with the approved plans is required for the avoidance of doubt and in the interests of

proper planning. Conditions concerning external materials, including rainwater goods and the timber on the lean-to extension, and details of landscaping and vehicle parking and manoeuvring are needed in order to ensure that the proposal protects the character and appearance of the AONB.

20. A condition requiring compliance with the mitigation and enhancement measures in the submitted Bat and Barn Owl Survey is required in order to protect and enhance biodiversity.
21. The Council has recommended two planning conditions withdrawing permitted development rights in regard to alterations to the roof and the insertion of additional windows or other openings. The Planning Practice Guidance (PPG) indicates that the withdrawal of permitted development rights should only take place in exceptional circumstances. However, due to the nature of the proposal in regard to its open countryside location within the AONB, I consider it reasonable and necessary to impose the conditions as recommended by the Council in the interests of protecting the character and appearance of the area from inappropriate future development.

Planning balance and conclusion

22. The proposal would help to boost the supply of housing, albeit by a very modest amount. Although I have not been presented with any substantive evidence that the Council cannot demonstrate a five year supply of housing, I accord moderate weight to this benefit of the proposal. The property would also be likely to provide limited economic benefits in terms of a boost to the local construction industry and future patronage for local shops and services.
23. The main benefits of the proposal are that it would lead to the renovation and long-term preservation of a redundant non-designated heritage asset that is of historic and landscape value. Also it would entail the introduction of a traditional field pattern through the creation of a walled sheep fold, thereby improving the setting of the barn within the immediate landscape. As such I consider that the proposal would re-use a redundant building and would lead to an enhancement to the immediate setting, and therefore special circumstances in relation to paragraph 55 of the Framework have been demonstrated.
24. In terms of its negative aspects the proposal would give rise to a dwelling that would be in an isolated, open countryside location that would not be accessible for the nearest shops and services other than by means of the private motor vehicle. Furthermore, it would introduce a dwelling into part of the landscape where none currently exists.
25. Overall I consider that the benefits of the proposal, in particular securing a long term future for a non-designated heritage asset with some landscape enhancements, would outweigh the harm I have identified, and which I consider to be very limited due to the particular circumstances of this case.
26. Therefore for the reasons set out above, and having due regard to paragraph 115 of the Framework and all other matters raised, I conclude that the appeal should be allowed.

GP Jones

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall be started by 3 years from the date of this decision notice.
2. The development hereby approved shall be implemented in accordance with the following drawing numbers:

BM186/001 Site Location Plan, BM186/002 Proposed Site Plan (received 7th October), BM186/200 Proposed Plans & Sections - Option One, BM186/201 Proposed Elevations, BM186-004 Proposed Access Track, BM186-210 Proposed Bat mitigation.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, outbuilding, additions or alterations to the roof, porches, hard surfacing, antennas, flues or means of enclosure, shall be erected, constructed or sited, other than those permitted by this Decision.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no windows or other openings, shall be inserted in the building other than those permitted by this Decision.
5. The development shall not be occupied or brought into use until the vehicle parking and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.
6. The entire landscaping scheme, as depicted on plan BM186-002, shall be completed by the end of the first planting season following the occupation of the development hereby permitted.
7. Prior to the construction of any external wall of the development hereby approved, details or samples of all the proposed walling and roofing materials shall be approved in writing by the Local Planning Authority and thereafter only the approved materials shall be used.
8. The timber to be used in the external elevation of the proposed lean-to extension, shall not be treated in any way and shall be left to weather and silver naturally.
9. New rainwater goods shall be black or charcoal grey painted cast aluminium or a substitute which has been approved in writing by the Local Planning Authority.
10. The development hereby approved shall be completed fully in accordance with the recommendations for mitigation and enhancement as set out at Section 4 'Potential impacts and mitigation and enhancement measures' of the Bat and Barn Owl Survey, paras 4.1-4.7 (MDEcology, December 2015). In addition provision shall be made for barn owls through the installation of a barn owl box within a nearby tree. All measures shall be implemented and completed in full prior to the development being first brought into use. Works undertaken shall be retained in accordance with the details of the agreed report.