



Appeal Decision

Site visit made on 22 August 2017

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/Q3305/W/17/3174936

The Stables, Crows Hill, Batcombe, Shepton Mallet, Somerset BA4 6BN

- 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 David Willis against the decision of Mendip District Council.
 - The application Ref: 2016/1657/FUL, dated 29 June 2016, was refused by notice dated 3 November 2016.
 - The development proposed is to convert and extend a stable building for use as holiday accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted to convert and extend a stable building for use as holiday accommodation at The Stables, Crows Hill, Batcombe, Shepton Mallet, Somerset BA4 6BN in accordance with the terms of the application, Ref 2016/1657/FUL, dated 29 June 2016, subject to the conditions set out in the Annex to this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

3. The site lies in the open countryside, just north of a small group of dwellings, in an otherwise agricultural landscape. It is outside of any defined settlement boundary. Policy DP22 of the Mendip District Local Plan deals with the conversion and re-use of rural buildings. It provides that the re-use or conversion of a building in the countryside (outside of defined development limits) for non-residential uses will be supported where a number of criteria are met. The most relevant of these is the part of criterion b) which says the design of the building, and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area.
4. The Council argues that criterion c) is also relevant, which says that in the case of a traditional building, the proposal is sensitive to its fabric and character. However, the building in this case is a modern stable, built some time after 2011. Whilst it uses materials sympathetic to its rural location, I would not say that it was a traditional building, which in this area, I would expect to be a stone built structure, and thus criterion c) is not relevant. The Parish Council also contends that the building is not capable of conversion without major or complete reconstruction. Firstly, that is not what is being applied for, and were

the building to require major reconstruction, a new planning permission would be required. Secondly, from what I saw on my visit, I have no reason to believe that the building is not capable of withstanding the proposed alterations without necessitating major reconstruction.

5. Part 2 of the policy deals with residential re-use. Whilst it might be argued that holiday use is a form of residential use, the explanatory text to the policy makes it clear that economic re-use can include commercial, industrial and other employment development, tourism (including holiday accommodation), sport, recreation and community uses. I therefore consider that, in principle, the use proposed is supported by the first part of Policy DP22.
6. The Parish Council claims that the building has never been used as a stable, and that its redundancy has not been established through marketing of the site. Whilst redundancy is referred to in the supporting text, Policy DP22 does not require rural buildings to be dis-used or redundant for the presumption in favour of their non-residential re-use to apply. Similarly, local concerns about whether the building accords with the approved plans, or whether the design is inimical to its use as a stable are of limited relevance. It is an existing building outside of defined settlement limits, and therefore the policy applies to it. Thus the key criterion is the requirement that the development should respect its surroundings and not harm the wider landscape character.
7. The proposal would involve fairly modest changes to the building; a small extension of the side of the building furthest away from the road would amount to an increase in floor area of about 49% and an increase in volume of about 32%. I regard this as being relatively minor, and not affecting the overall character or appearance of the building. Other changes would relate to the insertion of doors and windows, which again, would have only a moderate to low effect on its character.
8. The stable is well screened from the adjacent road by a bank and thick, high hedge, from where the building is only glimpsed, although I consider it likely that more of the building would be seen when the hedge is not in leaf. Even so, I consider that the proposal would appear little different from the roadside view. The large garage in front of Churchill Cottage mostly screens the access and the stable from views on Crows Hill to the south of the site. More extensive, but much longer distance views can be obtained of the stable from land to the west, but even so, the changes that would result from the use and the physical alterations to the building would be very limited, and would not have any appreciable impact on landscape character.
9. Two previous appeal decisions dating from 2013 and 2015 are material considerations in this case. In 2013, a proposal to convert and alter the stables to a dwelling was dismissed on appeal¹. The physical changes to the stables were not greatly different from that now proposed. The Inspector held that the proposal would be starkly at odds with its rural setting in a field in open countryside, and that the changes to the building, together with the accompanied domestication, parking and outdoor domestic paraphernalia, would cause serious harm to both landscape character and to the visual amenity of the area.

¹ APP/Q3305/A13/2202805

10. The 2015 appeal decision² relating to a proposal to change the use of the building to a dwelling. The Inspector held that somewhat similar changes to the appearance of the building and the site would not result in an enhancement, as required by local and national policy. There were several aspects of the development which were examined by the Inspector, including proposed landscaping, the physical changes to the building and those arising from the domestication of the land. He did not conclude that any of these things would result in significant harm, although he found that the domestication, related parking and activity associated with a sporadic dwelling would not be conducive to maintaining the character of the area.
11. That latter decision was based on policies relating to a change of use to a dwelling, which required development to lead to an enhancement to the immediate setting of the building. Policy DP22 does not contain such a positive requirement. In my view, the changes proposed to the building would broadly retain its rural character and would have only a minimal impact on landscape character. I recognise that the domestication of the site, would, as the previous Inspectors found, have some impact on the rural character of the site, but a degree of change is implicit in any holiday accommodation use, which the policy sees as an acceptable consequence when weighed against the economic benefits which are anticipated from tourism re-use. I note that no business plan or evidence of economic benefits have been submitted, but the policy does not require such evidence; it encourages such uses in the expectation that such benefits will arise, and I see no necessity to go further than that.
12. The previous Inspectors clearly differed in their assessments of the degree of harm that would arise from the conversion of the building. On the basis of what I saw on my visit, I consider that that the limited degree of change, and the localised visual impacts, would not result in material harm to the character and appearance of the area, and would not conflict with Policy DP22.

Other matters

13. I have noted the planning history of the site, and of the previous attempts to obtain residential use of the stable. However, I have had to deal with this appeal on the basis of the proposal before me, and in the light of the relevant development plan policy. This does not signal that unfettered residential use of the site would be acceptable in planning terms and any future application would need to be dealt with on its own merits.
14. The Parish Council has indicated that they believe that the appellant will live in the converted building as a residence. Whether a building is used as holiday accommodation is a matter of fact and degree, having regard to all the circumstances of its occupation, and those of the occupiers, not merely the length of time it is occupied. The Council has wide-ranging information-gathering powers under Section 171C of the Town and Country Planning Act 1990 to enable it to detect any breach and I am satisfied that the condition I have imposed would allow the Council to be able to enforce against any use of the building as a permanent dwelling house.

² APP/Q3305/A/14/2227885

Conditions

15. The Council has suggested a number of conditions which I have considered in the light of national guidance. A condition to require the development to be carried out in accordance with the approved plans is needed to ensure certainty. Conditions relating to external materials and fittings, landscaping and external lighting are needed in the interests of appearance. Parking facilities are required to be provided and retained in the interests of both appearance and highway safety. A condition is also required to ensure that the site is adequately drained.
16. A condition to restrict the occupancy of the building is needed to ensure that it is not used as a single dwelling house, which would run counter to local and national policy. The need to protect the rural character of the building and the wider area amounts to the special circumstances needed to justify the removal of permitted development rights.

Conclusions

17. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with drawing numbers: 16109-01 and 16109-02 validated on the 12th July 2016 only.
- 3) The development hereby approved shall be carried out using external facing materials that match those used on the existing development.
- 4) No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the local planning authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.
- 5) No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the local planning authority. All such attachments shall thereafter be retained in that form.
- 6) No external lighting shall be installed in connection with the development hereby approved unless in accordance with details that shall have first been submitted to and approved, in writing, by the local planning authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and retained in accordance with the details thereby approved.
- 7) The development hereby approved shall not be occupied until a hard and soft landscape scheme has first been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The scheme shall include a schedule for implementation and details of the boundary treatments, surfacing materials (including access track, access and parking areas, patios/terraces) and any retained planting. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant, or with other trees or plants of a species and size that have first been approved in writing by the local planning authority.
- 8) No part of the development hereby approved shall be brought into use or occupied unless it is served with the associated 2 parking spaces identified on drawing number 16109-02, validated on 12th July 2016, which shall be marked out within the site in the positions shown. The parking spaces shall be kept clear of obstruction and be retained thereafter for the parking of motor vehicles to serve the development.
- 9) The development hereby approved shall not be occupied until details showing the location and specification of the proposed septic tank (non-mains drainage scheme) have first been submitted to and approved in

writing by the local planning authority. The works shall be carried out in accordance with the approved details and be retained and maintained as such thereafter.

- 10) The holiday accommodation hereby approved shall be occupied for holiday purposes only and not as a sole or main place of residence. An up-to-date register of all occupiers on the site (including their main home address), shall be maintained and this information shall be made available at all reasonable times to the local planning authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Parts 1 and 2 of that Order shall be carried out.