
Appeal Decision

Site visit made on 9 October 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 23 October 2017

Appeal Ref: APP/B3410/W/17/3179096

Radmore Wood Farm, Radmore Wood Lane, Abbots Bromley WS15 3AS

- 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 A Smith against the decision of East Staffordshire Borough Council.
 - The application Ref P/2017/00328, dated 13 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is change of use of annexe to form a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development proposed would be consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas, and;
 - the effect on the character and appearance of the area.

Reasons

Location and supply of housing in rural areas

3. Policy SP1 of the East Staffordshire Local Plan - Planning for Change 2012 - 2031 (LP), adopted October 2015, sets out the Council's approach to sustainable development, which includes the application of principles depending on the type of development proposed. The principles also inform Policies SP2 and SP4 of the LP which direct growth to the most sustainable locations in Burton upon Trent and Uttoxeter, support villages that have a range of essential facilities with good transport links and include some limited growth in rural areas, principally within settlement boundaries.
4. The appeal site consists of a detached building that lies within the residential curtilage of a detached dwelling. The site is located some distance from the nearest settlement boundary of Abbots Bromley and therefore, lies within the open countryside. The proposal seeks to convert an existing residential annex section of the detached building into a single dwellinghouse, whilst retaining the existing garage section for use by occupiers of the existing dwelling. The development would also subdivide part of the existing residential curtilage and extend the new residential curtilage into part of an adjacent field.

5. Policy SP8 of the LP supports the interpretation of Policy SP1 by setting out the strategic approach to development outside of settlement boundaries including those in the open countryside as proposed. The policy is clear that development outside of settlement boundaries will not be permitted, unless it meets one of eight listed categories¹ or is otherwise appropriate in the countryside, at which point assessment against further criteria is required.
6. A previous appeal decision in East Staffordshire has been drawn to my attention² which related to a similar proposal for change of use of ancillary living accommodation to form an independent dwelling. The Inspector found that the proposal did not comply with the first eight criteria listed in Policy SP8 and based upon the specific circumstances of the location also concluded that the development would not be otherwise appropriate in the countryside. Similarly, the proposal before me does not meet the first four categories listed in Policy SP8, nor categories 6-8. However, the appellant has questioned the previous Inspector's interpretation of the fifth listed category in Policy SP8 with respect to whether the proposal before me could be considered to be an appropriate re-use of rural buildings following guidance set out in the Rural Buildings SPD³. Reference is also made to matters of sustainability as relevant factors in terms of whether the proposal would be otherwise appropriate in the countryside. I address those matters in turn below.
7. Policy SP8 and the Rural Buildings SPD do not provide a specific definition of rural buildings. However, paragraph 2.3 of the Rural Buildings SPD under the general principles heading includes the following: *"It should also be noted that in the case of more modern structures it will be necessary to demonstrate that the building has been properly used for agricultural purposes for a substantial period of time prior to any application being submitted for an alternative use. This is to prevent buildings being constructed under false pretences merely to secure a non-agricultural use in a rural location"*.
8. Having regard to the above, it is evident from the planning history that the building was initially a detached double garage with an extension to provide the residential annex having taken place after planning permission was granted in August 1999⁴. There is no evidence before me that the building has been used for agricultural purposes at any time and therefore, the proposal does not comply with a general principle of the guidance in the Rural Buildings SPD. Consequently, the proposal does not accord with the related listed category 5 within Policy SP8 of the LP as it would not be an appropriate re-use of rural buildings following guidance set out in the Rural Buildings SPD.
9. To determine whether a development is otherwise appropriate in the countryside, it is necessary to assess the proposal in terms of relevant criteria listed under Policy SP8 of the LP in so far as they also relate to Policy SP1. The relevant criterion is proximity to settlements where there are advantages of sustainable linkages. The approach of Policies SP1 and SP8 is consistent with

¹ Essential to the support and viability of an existing lawful business; providing facilities for the public or local community; in accordance with a made Neighbourhood Plan; development under the Rural Exception Sites Policy; appropriate re-use of rural buildings following guidance set out in the Rural Buildings SPD; infrastructure development; development necessary to secure landscape improvements; provision for renewable energy production.

² Appeal Ref: APP/B3410/W/16/3145291 - The Wheels, Leese Hill, Kingstone, Staffordshire ST14 8QU - Dismissed - 13 July 2016

³ East Staffordshire Re-use of Rural Buildings Supplementary Planning Document, adopted September 2010

⁴ Council ref: PA/07513/005

the National Planning Policy Framework (the Framework) which seeks to promote the use of sustainable travel modes, recognising that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 55 of the Framework also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided unless there are special circumstances.

10. The nearest settlement to the site is Abbots Bromley, which has a range of local services and facilities. The boundary of the settlement is approximately 1km from the site. However, there are no bus services which run close to the site and the routes which pedestrians or cyclists need to take to access the local services and facilities in Abbots Bromley, or its bus services to Burton upon Trent, Uttoxeter and other villages, are not of a good standard. Radmore Lane, Woodmill Lane and Schoolhouse Lane are all national speed limit routes that are single carriageway with limited passing places for traffic and are unlit with no pedestrian footways. It is, therefore, highly unlikely that occupiers of the proposed dwelling would regularly access the local services and facilities on foot or via bicycle, particularly during periods of darkness or in inclement weather. Consequently, the site is an isolated location for a new home in the countryside, irrespective of the presence of other dwellings in the immediate surroundings. The proposal would not, of itself, generate a large number of traffic movements and some dependency upon car use is inevitable in rural locations. However, the cumulative effect of allowing new homes in isolated locations would lead to a harmful increase in the amount of unsustainable journeys made.
11. The appellant has provided no evidence that the dwelling would meet an essential need for a rural worker. Furthermore, the proposal does not involve a heritage asset and is not of an exceptional quality or innovative nature of design. Whilst the proposal relates to re-use of a building, it is not redundant or disused given that the accommodation is ancillary to an existing dwelling and would be only partly converted. Consequently, the proposal does not meet any of the special circumstances listed by paragraph 55 of the Framework. The proposal, therefore, is not otherwise appropriate in the countryside and conflicts with Policies SP1 and SP8 of the LP.
12. The appellant has drawn to my attention an example of a similar development granted planning permission by the Council nearby at York House⁵. However, at the time of that decision the relevant development plan policies were different and it was made in circumstances where the tilted balance in paragraph 14 of the Framework applied due to the inability of the Council to demonstrate a deliverable five year housing land supply. The circumstances are now different following the adoption of the LP. The Council have indicated that a 5 year housing land supply can be demonstrated and the appellant has offered no contrary evidence. I, therefore, give little weight to the example when determining this appeal on its merits.
13. Other examples related to conversion of agricultural buildings to dwellings at Radmore Field Farm⁶ nearby, Redbank Farm in Yoxall⁷ and Barns at the Potts

⁵ Council Ref: P/2014/00832 – Planning permission granted - 26 July 2014.

⁶ Council Ref: P/2015/00957 – Prior Approval granted subject to conditions – 22 September 2015

⁷ Council Ref: P/2015/01358 – Planning permission granted subject to conditions - 1 December 2015

Lane in Kingstone⁸. The development at Radmore Field Farm was granted prior approval relating to permitted development rights in the GPDO⁹. The other developments related to schemes involving conversion of agricultural buildings judged to accord with the LP. Examples relating to agricultural buildings are not comparable to the proposal before me and are given little weight.

14. I conclude that the development would not be consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas. The proposal would conflict with Policies SP1 and SP8 of the LP and paragraph 55 of the Framework.

Character and appearance

15. Policy DP3 of the LP provides criteria in terms of the design of new residential development and curtilage buildings, and for extensions of residential curtilages within the countryside. I am satisfied that the inclusion of a 1.8m high boundary would not look out of place when subdividing the existing curtilage and would prevent any significant overlooking or loss of privacy to existing or future occupiers of either property. Furthermore, as there would be no significant change to the appearance of the exterior of the existing building or its scale, bulk and massing, it would have no adverse effect upon the character of the area or impact upon the existing dwelling in terms of its outlook or light. In addition, the internal layout, window positions and amenity areas would provide a suitable living environment.
16. However, the proposal includes an extension of residential curtilage into the adjacent field. The adjacent field has the appearance of an open paddock with some trees and is enclosed by post and rail fencing including along the residential curtilage boundary of the existing dwelling and the boundary with an adjacent field to the opposite side that includes agricultural buildings. The land is served by an existing gated access onto the road, with further gates providing direct access from the land into the residential curtilage of the existing dwelling and the adjacent field to the opposite side. The proposal would introduce a formalised parking area on the land adjoining the building, together with new boundary enclosures to form a new pathway to the building. The resultant effect would be a detrimental encroachment of urban features into the field, including the regular presence of parked vehicles and potential for other domestic paraphernalia, that would erode the contribution the land currently makes to the spacious and verdant setting of the countryside.
17. In reaching the above findings, I have taken into account that the access and land identified within the red edge on the location plan have been previously surfaced with loose bound chippings. Aerial photographs provided by the appellant indicate that some form of surfacing may have been in place since at least 2005. However, at the time of my visit, the surfacing of the access and land had become partly grassed over which suggests only infrequent use by vehicles. Furthermore, in the absence of a lawful development certificate or existing planning permission, I cannot be certain that any previous use of the land constitutes a fallback position for its use as residential curtilage given that the land is also accessible from adjacent agricultural land.

⁸ Council ref: P/2016/01406 – Planning permission granted subject to conditions – 18 January 2017

⁹ Town and Country Planning (General Permitted Development) (England) Order 2015

18. I, therefore, conclude that the development would have an adverse effect on the character and appearance of the area. The proposal would conflict with Policy DP3 of the LP insofar as it permits extensions of residential curtilages within the countryside only where they do not adversely affect landscape character by the intrusion of urban features. The policy is consistent with the core planning principle of the Framework that planning should recognise the intrinsic character and beauty of the countryside.

Other Matters

19. The proposal would offer social benefits in terms of increasing housing supply. The conversion of part of the building would also have economic benefits to the local area, including the contribution of additional residents to the local economy and sustaining services in Abbots Bromley and neighbouring settlements. There would also be temporary economic benefits relating to works associated with the development. However, the extent of those benefits is limited for a development comprising a single dwelling.
20. The proposed parking area would be sufficiently distant from neighbouring properties to prevent an adverse effect in terms of noise and disturbance to their occupiers. Furthermore, I am satisfied that appropriate noise mitigation measures could be secured to prevent any adverse effect of the separate use of the double garage upon the living environment within the building. The development is already served by foul and surface water drainage, there is no evidence of contaminated land issues and the use of the existing access would not harm highway safety. However, the absence of concern in those respects is a neutral factor.

Planning Balance

21. The development conflicts with the approach to the location and supply of housing in rural areas within Policies SP1 and SP8 of the LP, with additional conflict with Policy DP3 of the LP given the harm to the character and appearance of the area identified. The proposal would not, therefore, be in accordance with the development plan. In such circumstances, planning law and the Framework¹⁰ indicate that planning permission should not be granted unless material considerations indicate otherwise.
22. The harm arising from the conflict with development plan policies would not be outweighed by other material considerations, including the contribution of a single dwelling to the supply of housing and the associated economic and social benefits identified. The proposal is not sustainable development when considered relative to the development plan or the Framework when taken as a whole.

Conclusion

23. For the reasons set out above and having taken all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

¹⁰ Paragraph 11