
Appeal Decision

Site visit made on 20 November 2017

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 13 December 2017

Appeal Ref: APP/A2335/W/17/3181882

Sea View Farm, Ringstones Lane, Lowgill, Lancashire LA2 8RB

- 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 George Morphet against the decision of Lancaster City Council.
 - The application Ref 17/00466/CU, dated 21 April 2017, was refused by notice dated 26 June 2017.
 - The development proposed is change of use and conversion of redundant agricultural building to dwelling and change of use of central barn to domestic storage and garaging in association with Sea View Farmhouse.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and conversion of redundant agricultural buildings to a single storey dwelling and domestic storage and garage at Sea View Farm, Ringstones Lane, Lowgill, Lancashire LA2 8RB in accordance with the terms of the application, Ref 17/00466/CU, dated 21 April 2017, subject to the conditions in the attached schedule.

Procedural Matter

2. The description I have used above in the banner heading is taken from the original planning application form. I note however from the appeal form that the description has been amended and I have used that revised wording in my decision.

Main Issue

3. The main issue in this case is whether the site forms a suitable location for housing in terms of its accessibility to local services and facilities having regard to local and national planning policies.

Reasons

4. The appeal site comprises a two storey stone built barn with a single storey lean to which are attached to a two storey farmhouse. The farm forms a traditional farmstead located in an open moorland area forming part of the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The Council considers the building to form a non-designated heritage asset.

5. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include the re-use of redundant or disused buildings where the development would lead to an enhancement to the immediate setting of the building. I shall return to this matter later in my decision.
6. Policy SC1 of the Lancaster District Core Strategy 2003-2021 adopted in 2008 aims to ensure that new development proposals are as sustainable as possible and sets out a number of principles against which a proposal should be assessed. The appellant has argued that negligible weight should be attached to this policy as a result of its age and because it predates the Framework. However I consider that this policy is consistent with the broad principles of the Framework as it aims to manage the demand for travel and ensure that development in rural areas is well related to settlements and within easy reach of village facilities. I therefore attach significant weight to this policy.
7. Policy DM42 of the Council's Development Management Development Plan Document 2011-2031 adopted in 2014 (DMDPD) aims to manage rural housing growth. The policy is not supportive of new homes in isolated locations unless the clear benefits of development are articulated and these benefits outweigh the dis-benefits of development in an isolated location. The policy then refers to the special circumstances outlined in paragraph 55 of the Framework as potential benefits that may lead to more favourable consideration.
8. In this case there is debate between the parties with regard to whether the property can be considered to be isolated. The appellant argues that as the barn lies next to the existing farmhouse, it is not remote from other buildings and is therefore not isolated. Whilst I agree that this is the case, in the context of the Framework's objective to promote sustainable development, the matter to be considered is whether the building is isolated in terms of its location relative to a settlement where local services and facilities can be accessed.
9. I have noted the Sustainability Statement submitted with the application which outlines that the appeal site is located approximately 1.5 km from the small settlement of Lowgill where there is a primary school, a church and village hall. I am also advised by the appellant that a similar distance from the site there is an agricultural engineering business which provides petrol and diesel. The larger village of High Bentham lies approximately 3.5 km from the farm complex which provides a range of shops, a library, a doctors surgery, banks, pubs, post office along with other facilities.
10. The road network giving access to Lowgill and to High Bentham consists of narrow undulating rural lanes which are unlit and have no footpaths. I consider that it would be feasible to walk or cycle to Lowgill to the school or the church. However High Bentham would not be within a walkable distance, though it would be possible to cycle. This would not form a suitable option for many and in any event I consider it would not be a preferred choice of transport in the evening or the winter months. In terms of public transport, the nearest services appear to be those accessed from High Bentham. Accordingly I consider that the potential occupiers of the proposed dwelling would be likely to be heavily reliant of the private car to access services and

facilities. The appeal site would not be in an accessible location and the proposed dwelling would form an isolated home in the countryside.

11. Turning to the special circumstances in paragraph 55 of the Framework, there is no dispute that the building is redundant and that its conversion would bring it back into a beneficial use ensuring its long term retention. The building is considered to be a non-designated heritage asset by the Council. A building of a similar size to the stone barn and dwelling is shown on the first addition Ordnance Survey Map, c.1845. Paragraph 135 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. The Framework requires a balanced judgement to be made regarding the scale of any harm or loss and the significance of the asset. The issue of harm to the asset has not been raised by the Council and does not form part of the reason for refusal.
12. I noted on my site visit that there are clear views of the farm complex across the moorland particularly when looking from a northerly direction. The farm forms an integral part of the rural landscape and the repair and retention of the barn and lean to would therefore make a positive contribution to the character and appearance of the AONB.
13. It is proposed to remove a small storage building to the eastern corner of the site and to provide a small garden area to the proposed dwelling enclosed by a stone wall. I consider that the demolition of the storage building would improve the immediate setting of the barn, particularly as it is constructed mainly in red brick contrasting sharply with the stone of the appeal building.
14. The existing farmhouse has a small garden to the rear enclosed by a stone wall. A small garden area as proposed would therefore not be out of character with the farm complex as a whole. Furthermore as the proposed garden would not be visible from outside the farmstead, it would result in no adverse impact to the wider landscape of the AONB. In terms of the immediate setting of the barn, I consider that the enclosed garden area would result in a degree of enhancement to the building. However, due to the potential domestication of this area, I give this limited weight in my decision.
15. The Council has argued that whilst the building is considered to form a non-designated heritage asset, this mainly relates to the main barn, identified as Barn 3 on the submitted plans. Barn 3 is proposed to be converted to garaging and further domestic storage which could take place without the conversion of the single storey additions. Whilst I accept that Barn 3 could be converted in isolation, I consider that the adjoining single storey elements, which I am advised by the appellant are over 70 years old, add to the character of the building. Their retention would be desirable both in landscape terms and in terms of the significance of the heritage asset.
16. The appellant has brought my attention to a number of other barn conversions in the district and further afield. I note that some of the examples pre date the Framework and the relevant current local planning policy. Furthermore some of the more recent proposals involved extensions to dwellings, not new properties. Another example put to me involved the conversion of distinctive historic building, in that case a Methodist Church. These schemes are not comparable to the appeal proposal.

17. I have however given consideration to the conversion scheme in the nearby district of Ribble Valley. Here the proposal was also located in the Forest of Bowland AONB and concerned a non-designated heritage asset. Whilst there are clearly similarities to the appeal proposal, there are also differences. This scheme would have been considered against the local planning policies relevant to that area. These differ to those in the appeal case. In particular they give consideration to whether a building would be isolated in the landscape ie, in a settlement or in a group of defined buildings. In any event I consider that each scheme should be consider its individual merits.
18. The appellant has made reference to permitted development rights for the conversion of rural buildings. This does not apply in this case; therefore comparisons with the criteria for the consideration of permitted development proposals are irrelevant. The appeal proposal must be considered with regard to national and local planning policy.
19. In conclusion, I have found that the proposal would form an isolated dwelling in the countryside and would not be in an accessible location in relation to services and facilities. It would therefore conflict with Policy SC1 of the Core Strategy and Policy DM20 of the DMDPD. However I consider that the proposal would make use of a redundant and disused building and lead to an enhancement to the immediate setting. Based on the evidence before me, I therefore consider that the appeal scheme would meet the special circumstances test of paragraph 55 of the Framework and Policy DM42 of the DMDPD.

Other matters

20. The appellant considers the appeal proposal against Policy DM8 of the DMPDPD which concerns the reuse and conversion of buildings. This policy however states that conversion to residential uses should have regard to Policy DM42 which specifically relates to meeting rural housing needs. Policy DM8 is therefore not relevant in this case. I have undertaken an assessment in relation to Policy DM42 in coming to my decision.
21. I have had regard to the local support for the scheme including that of the Parish Council.
22. In coming to my decision I have also taken account of the previous appeal decision¹ on the site for the conversion of the agricultural buildings to two dwellings. This appeal raised similar issues and was dismissed. It was however a different scheme. I have assessed the current proposal on its own merits.
23. I note that the Council cannot currently identify a 5 year supply of housing land. However in line with paragraph 14 of the Framework, as I have found that the proposal would comply with the development plan taken as a whole, the fourth bullet point of paragraph 14, that is the tilted balance, is not engaged in this case.

Conditions

24. The conditions in the attached schedule are based on those suggested by the

¹ Appeal ref APP/A2335/W/16/3158144

Council. I have amended the wording of the conditions where appropriate in line with guidance in the Planning Practice Guidance.

25. In addition to the standard timeframe condition I consider that a condition requiring the development to be constructed in accordance with the approved plans is necessary for the avoidance of doubt. A condition is required to ensure the appropriate recording of the building having regard to the archaeological and historic importance of the non-designated heritage asset.
26. It is also necessary to impose a condition to require details of foul and surface water drainage in order to ensure the site is properly drained. A condition requiring the investigation and remediation of any on site contamination is also needed in order to protect the environment and in the interest of public health. A condition is also necessary to ensure the submission of details of the materials to be used in the conversion scheme in order to preserve and enhance the character and appearance of the non-designated asset.
27. I also impose a condition requiring the scheme to be undertaken in accordance with the submitted ecological mitigation so that appropriate bat protection measures are in place. I consider it necessary to remove permitted development rights for alterations, extensions, outbuildings or boundary treatments in order to protect the character and appearance of the barn.
28. Finally I consider a condition restricting the use of Barn 3 to domestic storage and garaging is necessary in the interests of protecting the amenity of future occupiers of the converted building and to protect the character of the barn.

Conclusion

29. For the above reasons and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 1845-20 Rev B – As Existing Plans and Elevations, Drawing No. 1845 -25 Rev C – As Proposed Plans and Elevations.
- 3) No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the local planning authority.
- 4) No development shall commence until details of foul and surface water drainage have been submitted to, and approved in writing by, the local planning authority. The development shall then be constructed in accordance with the approved details and retained as such at all times thereafter.
- 5) No development or any site activity associated with the development, including site preparation/clearance and demolition, shall commence until the following measures have been implemented:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority; and
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the local planning authority.

If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority. Prior to the development hereby permitted being occupied or brought into use:

 - c) The works specified in the Remediation Method Statement Application shall be completed in accordance with the approved scheme; and
 - d) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives has been submitted to and approved in writing by the local planning authority, including confirmation of any unforeseen contamination encountered during remediation.
- 6) Prior to the commencement of any external works to the building proposed for conversion, to which this consent relates, the following details shall be submitted to and approved in writing by the local planning authority :
 - Sample of any roof material
 - Details and sample of any new stonework, including the type, coursing and jointing, with a sample panel erected on site

- Details and sample of heads and cills and any new quoins
- Details of windows and door frames including material, colour design, thickness of frames and amount to be recessed from the face of the outer wall
- Precise details of all roof windows including position in relation to the roof slope
- Details of rainwater goods
- Eaves, verge and ridge details
- Precise details of all boundary treatments
- Details of all external surfacing materials.

The development shall be carried out in accordance with the approved details and be retained as such at all times thereafter.

- 7) The development shall be undertaken in full accordance with the ecological mitigation set out in section 4 of the submitted Building Inspection Survey dated December 2015 and carried out by Simply Ecology.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations or extensions shall be made to the former agricultural barn and lean to and no outbuildings or boundary treatments shall be erected within the curtilage of the development hereby approved.
- 9) The element of the development indicated as Barn B3 on the approved plan, shall be used solely as domestic storage and garaging in association with the use of Sea View House and for no other purpose.