



Appeal Decision

Site visit made on 16 January 2018

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2018

Appeal Ref: APP/R3650/W/17/3180588

Yard Farm, North Breache Lane, Ewhurst, Cranleigh, GU6 7SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Steve Shaw against Waverley Borough Council.
 - The application Ref WA/2017/0965, is dated 6 May 2017.
 - The development proposed is described in the application form as 'proposed change of use/conversion of existing main steel framed commercial stabling barn into 2 dwellings together with demolition of timber framed lean to barns; revised application further to WA/2016/0659 Erection of 2 dwellings following demolition of existing barns.'
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Steve Shaw against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council has recently adopted its Local Plan Part 1: Strategic Policies and Sites. I have sought comments from the main parties on this policy change and have taken them into account in my considerations below.
4. I have also sought and taken into account comments from the main parties on the implications for this appeal of the judgment in the case of Braintree District Council v Secretary of State for Communities and Local Government [2017] EHC 2743 ('the Braintree judgment').

Main Issues

5. The Council has provided details of what its reasons for refusal would have been had it been in a position to determine the application. These relate to the proposal's isolated location, the works being such to create a new building, the impact upon landscape character and the failure to preserve the intrinsic beauty and character of the countryside.
6. Therefore, the main issues are the acceptability of the proposal having regard to its location, whether the existing building is capable of conversion to residential use and the effect upon the landscape, intrinsic beauty and character of the countryside.

Reasons

Location of the development and proposed conversion works

7. The site is located in the rural area outside of any defined settlement. Retained policy RD7 of the Waverley Borough Council Local Plan 2002 ('the 2002 Local Plan') sets out the criteria for the re-use of rural buildings in rural areas. This includes the requirement that the building is capable of re-use without substantial reconstruction and that the proposal would not detract from the appearance or character of the existing building.
8. In determining the previous appeal¹ at the site for two new dwellings, the Inspector found that the site is an isolated one. I have had regard to the Braintree judgment but this does not cause me to come to a different conclusion on this matter. The site is not within or adjacent to an existing settlement. Whilst there are buildings including residential development located on the opposite side of the road, the dwellings in the vicinity of the site are limited in number and the site is considerably removed and away from the main area of development in Ewhurst. I consider the circumstances to be different to the other two appeal decisions referred to by the appellant in this context as in those cases there appears to have been a greater amount of existing development in the vicinity of the site.
9. The National Planning Policy Framework ('the Framework') sets out the special circumstances where isolated dwellings can be acceptable, including where the development would re-use redundant or disused buildings and enhance their immediate setting. The proposal would involve the retention of the structural framework of the existing building though would involve works including new fenestration, the re-organising of openings, along with replacement of both the existing corrugated sheet cladding to roof and the steel cladding to the walls.
10. From the details provided, including the Structural Condition Inspection Report, I do not consider that it has been satisfactorily proven that the proposal could not be implemented without significant rebuilding of the existing structure. Whilst the appellant says that internal works could be carried out without planning permission, the overall development proposed would go significantly beyond this and would significantly alter the appearance of the building.
11. The information provided including the proposed drawings provide limited detail in terms of the full extent of the works, including the structural works required. Given the apparent extent of the proposed works, including the new first floor which could require additional framing and the extensive fenestration works, the need for significant structural alterations has not been ruled out. From the information provided I consider that the proposed works would be likely to result in substantial reconstruction of the building contrary to policy RD7 of the 2002 Local Plan. Paragraph 55 of the Framework refers to the re-use of buildings which differs to the specific wording in policy RD7 which refers to substantial reconstruction. I go on to consider the effect upon the immediate setting of the building below.

¹ APP/R3650/W/16/3157863

Intrinsic beauty and character of the countryside

12. The existing buildings are typical modern agricultural barns that reflect their rural location within the countryside. The site is located within an attractive rural area which has been designated as an Area of Landscape Value. The proposal would significantly alter the appearance of the building to be retained. Glazed fenestration would be inserted into new openings in each elevation, most particularly large areas of fenestration in the east elevation. As well as the changes to the elevations, lighting within the building would be noticeable through the windows at night time. The shallow roof pitch and proposed elevations would be untypical of rural residential accommodation, including where traditional barn conversions have been carried out.
13. The resulting building, prominently located adjacent to the road, would be out of keeping with its rural setting. Whilst a cluster of buildings are located on the opposite side of the road, the appearance of these is generally more appropriate to their rural setting. In addition, the gardens of the proposed dwellings would be likely to contain domestic paraphernalia which, along with the proposed parking areas and accesses, would contribute towards a more urban form of development that would be detrimental to the rural character and appearance of the area. Although a use as a livery could also result in associated external paraphernalia I consider that that connected to the use as two residential dwellings would be more harmful to the character and appearance of the rural countryside. The removal of permitted development rights would not restrict paraphernalia that is not development.
14. Whilst the proposal would result in a significant reduction in built form on the site and the removal of existing hardstanding, this does not outweigh the harm that would result upon the rural setting of the site. A reduction in openness does not necessarily mean that the setting of the site would be enhanced and in this case the barns to be demolished would be lower than the building the subject of the proposed conversion.
15. For the above reasons, the proposal would not enhance the immediate rural setting of the existing building and would be harmful to the landscape, intrinsic beauty and character of the countryside. It would therefore be contrary to the rural landscape and design aims of retained policies D1, D4 and RD7 of the 2002 Local Plan, policies RE1 and RE3 of the Waverley Borough Local Plan Part 1: Strategic Policies and Sites 2018 and the Framework.

Other matters

16. I have been provided with details of other appeal decisions by the appellant where proposals have been allowed for conversions to existing buildings. I have considered the current appeal proposal on the basis of its particular merits and circumstances and whilst I have considered the contents of such other appeal decisions the circumstances of these cases have not altered my overall conclusions on the appeal before me. For example, in the appeal at Rose Cottage² the scheme involves a redevelopment proposal within the Green Belt. In the appeal at Alfold Farm³ the Inspector concluded that the proposal would result in an improvement to the character and appearance of the

² APP/J3720/W/16/3145054

³ APP/R3650/W/16/3155290

building and enhance its setting, in contrast to my findings in the case before me.

17. A public footpath provides access from the appeal site to the village of Ewhurst. However, whilst this provides for an opportunity for access by foot to the limited local facilities, it would not be an attractive means access during the hours of darkness or in poor weather. Whilst journeys to Ewhurst would be short, other journeys would be likely to be made further afield given that the services within Ewhurst are limited. Although sustainable transport options can be less practicable in rural areas, the distance of the site from the settlement and bus stops, and the access limitations lead me to find that the location of the site is one where I consider that future occupants would be likely to be particularly dependent on the use of the private car. Such matters do not therefore add any support to the proposals and are contrary to the aim of the Framework to promote sustainable travel methods.
18. I have been provided with examples of other conversions of steel framed barns. However, I have no knowledge of the circumstances of these examples and have attached little weight to them.
19. Whilst paragraph 111 of the Framework encourages the effective use of previously developed land, this needs to be weighed against the harm arising.
20. The Council states that it can demonstrate a five year supply of housing land. This is not challenged in the appellant's final comments, although the appellant's statement indicates otherwise. There is little supporting evidence on this matter in either case. I consider the relevant implications in my conclusion below.

Conclusion

21. I have found that the proposal would conflict with the development plan. It would make a small contribution to the housing supply and make a modest contribution to the vitality and viability of services and facilities in Ewhurst. Small economic benefits would also arise from the development works. It would also seek to make effective use of previously developed land. However, it would result in harm to the intrinsic beauty and character of the countryside, would not enhance the immediate setting of the existing building and would lead to a reliance on travel by the private car, contrary to the Framework.
22. Even should the Council be unable to demonstrate a five year supply of housing, as suggested by the appellant, the adverse impacts would significantly and demonstrably outweigh the benefits.
23. The development conflicts with the development plan when read as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given, and taking all other matters into consideration, the appeal should be dismissed.

David Cliff

INSPECTOR