

Appeal Decision

Site visit made on 9 May 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/J0405/W/19/3222634

Coombs Farm, Padbury Road, Thornborough, MK18 2EB

- 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 and Mrs Dale Burrell against the decision of Aylesbury Vale District Council.
 - The application Ref 17/01599/APP, dated 28 April 2018, was refused by notice dated 22 August 2018.
 - The development proposed is 4 new dwellings within the existing Coombs Farm barns.
-

Decision

1. The appeal is allowed and planning permission is granted for 4 new dwellings within the existing Coombs Farm barns in accordance with the terms of the application, Ref 17/01599/APP, dated 28 April 2018, and the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above has been taken from the application form. The appeal form and the decision notice sets out a different description. I have based my decision on the description set out above.
3. The National Planning Policy Framework was revised in February 2019 (revised Framework). I have taken the revised Framework into account as part of the determination of this appeal. The Council indicates it can demonstrate an 11.7-year supply of housing land for the purposes of this appeal. The appellant has not disputed this and from the evidence I see no reason to doubt it.

Main Issue

4. The main issue relating to this appeal is whether the proposal in respect of Unit 4 would accord with the Council's housing strategy, having regard to the character and appearance of the area, and the ability for occupiers to access services and facilities.

Reasons

Whether the proposal would be tantamount to a new dwelling in the countryside, resulting in an unsustainable and inappropriate form of development.

5. The appeal site is located in the countryside adjacent to Padbury Road Coombe. It comprises a collection of vacant former agricultural buildings set in a typical courtyard arrangement. It comprises a collection of interconnected transitional brick and slate barns around a central courtyard with a detached brick barn behind these. There is also two modern agricultural buildings consisting of a freestanding steel framed Dutch barn adjacent to these and a lean to along the side of the traditional barns. The site does not fall within a settlement boundary however; there are a number of residential dwellings and farm holdings within the vicinity of the site.
6. The buildings are not listed however; they make an important contribution to the historical rural character of Coomb, forming part of an original farmstead in the area.
7. The proposals are to convert the agricultural buildings to 4 dwellings. This constitutes an amendment to the previously approved scheme 12/02261/APP. This was for the conversion of the 'U' shaped collection of traditional brick barns and was approved in March 2014. Work has commenced on this development and therefore the permission is extant.
8. The Council refused planning permission for the appeal scheme on the grounds that Unit 4 would require an extension amount of rebuilding and would not therefore constitute a conversion scheme but would be tantamount to a new dwelling in the countryside. The Council therefore consider the proposal to be an unsustainable form of development in the countryside, which has no provision and services to support further residential growth. The Council had no concerns regarding the conversion of the other three buildings to residential development.
9. Policy RA.11 of the Aylesbury Vale District Local plan (2004) (AVDLP) states that permission for residential re-use of existing buildings outside of the built up area of settlements is unlikely but may be granted exceptionally as part of an acceptable business conversion scheme or where genuine attempts to secure business re-use have been unsuccessful. The provision that residential uses will only be granted exceptionally is not consistent with the Framework, and the main parties agree that this should not be applied here.
10. Whether the proposal would constitute a conversion or be tantamount to a new home in the countryside is again a matter of fact and degree. There does not appear to be a definition of what constitutes a conversion in the policy. However, as per the case officers report I will base my judgement on the 50% figure, which would seem reasonable.
11. The buildings making up unit 4 are clearly permanent and substantial but are in a poor state of repair and would require some rebuilding. This rebuilding would result in the creation of dwelling/storage units with a total floor area of 200 square metres, which equates to 23.4% of the overall scheme, which would have a total floor area of 855 square metres. As the appeal relates to

the appeal site in its entirety, accommodating all proposed dwellings, and does not solely relate to unit 4 I am satisfied with the above figures and find that the rebuilding of the units amounting to just 23.4% of the overall group of buildings would not result in significant rebuilding and can reasonably be regarded as a conversion..

12. The Council argues that Unit 4 should be regarded in isolation, and that the percentage of rebuilding would be much greater. I find that the group of buildings comprise a single range and that they should be looked at as a whole. There is nothing in the policy, which precludes such an approach.
13. I therefore conclude that the amount of rebuilding required in unit 4 and the adjoining structure would be minimal when the scheme is considered in its entirety and that the buildings need to be redeveloped as a collective to obtain the maximum social, economic and environmental benefits. As such I find that the proposal would constitute a conversion and would not be tantamount to a new dwelling in the countryside. I do not find that the proposal would result in harm to the intrinsic character and nature of the Countryside and find that the social, economic and environmental benefits of the proposal would outweigh any harm.
14. The proposal would not therefore be contrary to Policy RA11 or GP35 of the AVDLP, which amongst other things, seek to restrict new development in the countryside. I do not find that the proposal would be contrary to the council design guide, 'The Conversion of Traditional Farm Buildings' and it would comply with underlying principles of the Framework.

Conditions

15. I have had regard to the advice in the Planning Practice Guidance when considered the conditions suggested by the Council and amended these accordingly. I have included the standard time limit condition and a condition that requires the development to accord with the approved plans in the interest of clarity and proper planning.
16. I have attached a condition relating to the materials to be used to ensure that the development accords with the character and appearance of the area and the host buildings.
17. I have attached two conditions relating to landscaping to ensure that this will enhance the character and appearance of the area and maintain biodiversity and a high quality landscape.
18. I have included conditions (6 and 7) that remove permitted development rights to prevent any alterations, extensions, outbuildings or additional fenestration. Under normal circumstances such conditions would not pass the test of necessity, or accord with the Planning Practice Guidance, which advises that such conditions should only be used in exceptional circumstances; however given the importance of the buildings to the rural history of the area, that special interest could be lost of unsympathetic alterations were to take place and therefore this warrants the special justification needed to remove permitted development rights.
19. I have included a condition to ensure that no demolition of the existing buildings is undertaken without the prior notification of the Council. This is

needed to ensure that the traditional layout character of these buildings is preserved.

20. I have also attached a condition relating to parking to ensure highway and pedestrian safety is maintained.

Conclusions

21. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR

Schedule of Conditions

01) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

02) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan, Existing Site Layout Plan, Layout Plan 1202/101, Proposed Floor Plans 1202/102 Rev E, Elevations A to C 1202/201 Rev C, Elevations D to F 1202/202 Rev D, Elevations G to L 1202/203 Rev D, Unit 4 Elevations 1202/204 Rev E.

03) No development shall take place above damp course level until details of the materials to be used on the external surfaces of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

04) No development above damp course level shall take place on the building(s) hereby permitted until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include the extent of hardsurfacing for the car parking areas and confirmation of the material to be used. For soft landscape works, these details shall include new trees and trees to be retained showing their species, spread and maturity, proposed planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. These works shall be carried out as approved prior to the first occupation of the development so far as hard landscaping is concerned and for soft landscaping, within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner.

05) Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement of any dwelling nor the erection of any garage or outbuilding shall be carried out within the curtilage of any dwelling the subject of this permission, other than those expressly authorised by this permission.

07) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 2015, (or any Order revoking and re-enacting that Order with or without modification) no additional window openings shall be fitted in the flank

elevations of the building without the prior permission of the Local Planning Authority.

08) No demolition or alteration of any existing building or any part of any existing building other than the demolitions and alterations shown on the approved drawings shall take place without the prior written consent of the Local Planning Authority.

09) The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.