
Appeal Decision

Site visit made on 24 June 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/H1705/W/19/3221732

South Barn, Upper Barn and Middle Barn, Minchens Court, Minchens Lane, Bramley, RG26 5BH

- 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 Minchens Barn Development Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 18/03304/FUL, dated 12 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is external alterations to create new door openings from existing window openings, new entrance canopies and new rooflights and new enclosed and secure bin and cycle stores, along with additional cycle and car parking spaces for visitors.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations to create new door openings from existing window openings, new entrance canopies and new rooflights and new enclosed and secure bin and cycle stores, along with additional cycle and car parking spaces for visitors at South Barn, Upper Barn and Middle Barn, Minchens Court, Minchens Lane, Bramley, RG26 5BH in accordance with the terms of the application, Ref 18/03304/FUL, dated 2 November 2018, subject to the following 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: Site Location (Block Plan) - Drawing No. 0001 – received 12th November 2018; Proposed Elevations 01 - Drawing No. 0332 – received 12th November 2018; Proposed Elevations 02 - Drawing No. 0333 – received 12th November 2018; Proposed Roof Plan - Drawing No. 0323 – received 12th November 2018; Proposed Bin & Bike Store Plans & Elevations - Drawing No. 0335; Proposed Site Plan - Drawing No. 0202 - received 23rd November 2018; Proposed First Floor Plan - Drawing No. 0321 Rev A - received 23rd November 2018; Proposed Ground Floor Plan - Drawing No. 0320 Rev A - received 23rd November 2018.
 - 3) The materials to be used in the construction of the bin and cycle store hereby permitted shall match, in type, colour and texture those on the approved plans.

- 4) The external frame colour of the new conservation rooflights shall match the colouring of the existing roof of the building.

Preliminary matters

2. The appeal proposal concerns external operations to create new door openings, new entrance canopies and new rooflights, together with new enclosed and secure bin and cycle stores, and additional cycle and car parking spaces. These are shown to relate to the existing use as offices. However, there is an existing prior approval for the change of use of the building from B1 office to 14 self-contained apartments (Class C3) (LPA reference: 18/01517/GPDOFF). This approval has not yet been implemented.
3. It is clear from statements made at the committee meeting when the appeal application was being considered, that the appellants are keeping options open to either retain the office use or implement the approved change of use to apartments, largely depending on market circumstances. The implementation of the change of use would require a separate planning permission for changes to the external appearance of the building that the prior approval does not cover. The appeal proposals would therefore serve to improve the environment in the building for offices, but would also facilitate the implementation of the prior approval.
4. As far as this appeal is concerned, the office use currently exists and the changes and additions that are applied for appear to be requisite for the more efficient use of the building as offices. That is the planning permission that the appeal application seeks and that is the sole matter for me to address. If in due course the prior approval of the altered building is implemented, before its expiry, that is not a matter for me to consider.
5. I am informed that an application 19/00373/FUL has recently been submitted which is a resubmission of the appeal application, addressing the reasons for refusal. I also understand that the Council's committee decided to grant planning permission for the revised scheme. Notwithstanding that, I am required to consider the appeal scheme and make a judgement on its merits, having considered the cases of the parties.
6. Within the address of the appeal site given on the planning application form the building is described as 'Minchens Court'. However, it appears that the 3 elements of the appeal building are named 'South Barn', 'Upper Barn', and 'Middle Barn' and these names more clearly describe the building. I have used these in the heading above, as more accurately defining the appeal site.

Main Issues

7. The main issues in this case are i) effect of the alterations on the character of the building; and ii) the setting of the settlement of Bramley and local views.

Reasons

The appeal building

8. The appeal building comprises a detached two storey building in B1(a) office use, and this forms part of a complex of other barn and granary style properties of similar design and construction. It is of brick construction with timber framed gables containing large glazed windows with a large roof form of

clay tile construction. The building has a large roof void within the same B1(a) office use. Small areas of grass surround the immediate setting of the barn, which includes areas of trees and shrubs.

Development plan policies

9. The development plan policies referred to in the Council's reasons for refusal are Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011 - 2029 and Policies D1 and D2 of the Bramley Neighbourhood Plan 2011 - 2029.
10. The gist of Policy EM1 'Landscape' is that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area concerned. Development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected. Policy EM10 - Delivering High Quality Development, requires all development proposals to be of high quality, based upon a robust design-led approach: all development proposals will be required to respect the local environment and amenities of neighbouring properties.
11. Recently Bramley Neighbourhood Plan (BNP) has been formally made. The relevant policies of this plan are Policy D1 and Policy D2. Since these are newly adopted policies at the most local level of the development plan, I set out below the elements that are relevant to the appeal.
12. Policy D1 - Protecting, Complementing and Enhancing the Historic Character and Rural Setting of Bramley - requires that Development in and around Bramley village must protect, complement or enhance the Character Areas identified in the Bramley Village Character Assessment within or adjacent to which it is located. Policy D2 - Design of New Development - requires that new development in Bramley must deliver good quality design. In order to achieve this all new development must wherever possible, as relevant to this appeal, respond to the existing traditional built form, integrate car parking within landscaping so that it does not dominate the street, and provide convenient, well-screened storage space for bins and recycling and for bicycles.

Effect on the character of the building

13. The appeal building has the appearance of a modern office building that has been designed to respond to its surroundings by reflecting the traditional style of rural barns and granaries. It appears to have been constructed on the site following the demolition of a barn. The immediate area comprises similar commercial buildings situated at the edge of the settlement of Bramley.
14. My understanding from the submitted plans is that the changes that are proposed to the door and window openings, in respect of ground and first floor levels, are as follows:
 - East elevation - no additional door or window openings;
 - South elevation - 3 window openings converted to door openings in the same location, 1 door opening changed to window;
 - South Courtyard - no changes to door or window openings;
 - West elevation - 2 new windows at first floor at left gable end, one window infilled in central portion, 3 window openings converted to door openings in same location and 3 door openings converted to window openings;
 - North elevation Courtyard - 1 door opening changed to a window;

- North elevation – 1 window infilled and 1 new door, otherwise 2 windows converted to doors.
15. Thus there is a total of 56 existing window and door openings, 2 openings are proposed to be infilled and 3 new openings created (1 to the north at ground floor and 2 to the west at first floor). There are also 4 additional entrance canopies proposed that match the appearance of the existing canopies. From my view of the building and a study of the application plans, the net increase of 1 new opening is minor and the change from windows to doors (the latter obviously being larger in size), together with the entrance canopies, would have no material impact on the appearance of the building.
16. The other proposed change in the external appearance of the building is the insertion of rooflights. These are relatively small and generally located low down in the roof slope. Eleven of the proposed new rooflights would be situated on roof slopes that face in towards the enclosed courtyard. The 7 new rooflights on the west-facing roof slope would overlook open fields and farmland. The 3 new rooflights set into each of the pitched roofs facing North and South, would be obscured from wider views by buildings in the area. The rooflights would not have any significant effect of the appearance of the building, they would barely be seen, other than from the immediate vicinity, and this would not be harmful.
17. In concluding on this issue, I note that the appeal building was part of an area occupied by a cluster of farm buildings including granary, barns and tractor sheds. The building never was any of these, but a modern building that took its general form and style from what once was there. Its precise details are not to be regarded as being something to safeguard for their own sake. The appeal proposals are of a minor nature and would not have a materially adverse effect on the barn-like character of the building

Effect on the setting of the settlement of Bramley, including views to, and within, the settlement

18. In respect of this issue, the appearance of the building from the east, within the Minchens Barns/Minchens Court complex, would not be material as it is effectively closed in from any view beyond its immediate surroundings. From the south, the 3 new doors and the entrance canopies would be hidden behind the hedging on the boundary of the site. The 3 rooflights would be very minor elements, having no impact. From the west, the building is only visible in long distance views, from where the detailed elements of changes between window opening and doors and the addition of roof lights would be hard to discern.
19. These long views and the oblique view of the south and north elevations through the gaps in vegetation on the Frith access path, could not be said to impact the setting of Bramley. Existing hedging and trees, the position of other neighbouring buildings and the distance of the buildings from viewpoints across open landscape all combine to greatly limit the extent to which the relatively minor alterations to the appeal building could be perceived.
20. A concern about additional light pollution is also raised, but this must be seen in the context of the existing sources of light pollution, including numerous existing rooflights in the area around the appeal site. The ground floor and first floor openings are effectively no different to the existing situation and the same in terms of light pollution. All the proposed rooflights are small. There are 7

rooflights proposed in the angled roof in the west elevation. Whilst I have not viewed the site and area at night time, I am satisfied that the illustration at paragraph 32 of the appellant's rebuttal statement provides a sufficiently accurate picture of the likely effect on the night sky of the changes proposed in this appeal. This establishes that the major source of light pollution is the urban development beyond the appeal site and its neighbours, and also from car park floodlights. The 6 new rooflights in the north and south facing roof slopes (3 in each slope) would have no material additional effect. The small amount of additional light pollution from the appeal proposal does not justify the refusal of permission.

Other matters

21. Part of the appeal proposal is the provision of a new enclosed and secure bin and cycle store, together with additional cycle and car parking spaces. The Council has made no criticism of these elements of the proposal and I am satisfied that they are a welcome addition to the development and do not conflict with the consideration of the main matters or the policies that I have referred to.
22. There are 2 Grade II listed buildings, Stocks Farm house and The Granary at Stocks Farm, a little distance from the appeal building, but neither the listed buildings themselves nor their settings could be said to be harmed by the minor changes to the appeal building, which essentially would stay the same.
23. The neighbouring buildings to the appeal site, 'The Granary' to the east (not the listed building referred to above) and 'Stock's Barn' to the south east are locally designated notable buildings; therefore consideration must be given to their character and appearance. Because of the separation of the appeal site, the very limited amount of change proposed and the surrounding complex, there would be no harm to these non-designated heritage assets.
24. The appeal proposals include a bin and cycle store. There has been no specific objection to this element of the appeal proposals, but to be clear I do not regard this element as having any effect on the character of the building or the setting of the settlement of Bramley and local views.
25. There is mention of covenants that are in place on the appeal property and the adjoining properties to ensure that they should only be used for commercial purposes, but the appeal proposal does not seek a change from business use. There is also concern about the adequacy of parking provision. However, since this is an existing office building and the appeal proposal does not increase the amount of floorspace, the amount of parking is not a consideration in this appeal. None of the concerns raised amount to a matter that would warrant the withholding of permission.

Conclusions

26. In light of the above considerations, there would be no harmful effect of the proposed alterations to the appeal building on the character of the building or the setting of the settlement of Bramley and local views. Thus there is no breach of Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011 - 2029 or Policies D1 and D2 of the Bramley Neighbourhood Plan 2011 - 2029. I will therefore allow the appeal, subject to the condition deal with below.

Conditions

27. A number of conditions have been suggested by the Council. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. These conditions are necessary to provide certainty as to the development permitted and in the interests of protecting the character and appearance of the area.

Terrence Kemmann-Lane

INSPECTOR