



Appeal Decision

Site visit made on 29 July 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/E2001/W/19/3228875

Low Farm Development Land, Willerby Low Road, Willerby HU10 6EF

- 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 Marsden Builders against the decision of East Riding of Yorkshire Council.
 - The application Ref 18/04099/PLF, dated 18 December 2018, was refused by notice dated 3 May 2019.
 - The development proposed is the alteration and extension of a builder's store and use as altered as a dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the alteration and extension of a builder's store and use as altered as a dwelling house at Low Farm Development Land, Willerby Low Road, Willerby HU10 6EF in accordance with the terms of the application, Ref 18/04099/PLF, dated 18 December 2018, subject to the conditions in the attached schedule.

Main Issues

2. The main issue is whether the appeal site is a suitable location for housing having regard to local planning policy and the provisions of the National Planning Policy Framework (the Framework).

Reasons

3. The appeal site is located within a small complex of converted farm buildings in a Key Open Area within the open countryside. The appeal building was previously an agricultural barn until planning permission¹ was granted a few years ago to halve its length and to change the use of it and its curtilage to that of a builder's storage building and yard. The works associated with this planning permission¹ have resulted in the appeal site being enclosed with high metal palisade fencing and the former agricultural barn being re-clad in grey coloured profiled metal sheeting. As a result, the appeal site and building has an industrial appearance.
4. The other buildings within the farmstead complex are of red brick construction with slate roofs and are generally arranged around 2 small courtyards. Most of these buildings would originally have been single storey sheds associated with the operation of the farm but have since been converted into a series of

¹ Planning application reference: 14/02608/PLF

attractive residential units. The appeal property is the first building that is seen when entering the farm complex. It is evident that it is elevated slightly when compared to the other buildings and that trees and hedgerows have been planted in front of the appeal sites palisade fencing in order to soften its industrial appearance when viewed in the context with the other buildings.

5. In locations outside of settlements, Policy S4 of the East Riding Local Plan (LP) (2016) only supports development where it is of an appropriate scale to its location taking into account the need to support sustainable patterns of development. This Policy also encourages the re-use of previously developed land without involving a loss of agricultural land. Additionally, in countryside locations such as this, conversions for new housing are only supported where the preservation of the building would enhance the immediate setting and where it would re-use a redundant or disused building without significant alteration or extension.
6. With the above policy criteria in mind, the proposal seeks to re-use the building and land, neither of which are in agricultural use. With regards its scale, the appeal building is clearly taller than the other buildings in the farmstead complex but is already present. As such, there would be no changes to the scale of the appeal building, other than the addition of a single storey lean-to extension to the side, to provide a covered parking area and storage shed. When considering this new addition in context to the existing building, the extension would be clearly subservient in appearance and would introduce less than 25% to the overall ground floor area. An upper floor would also be introduced within the existing building in order to provide additional living accommodation. Whilst this would alter the building internally, it would not result in any other external additions other than a series of openings that would be introduced into the elevations of the building to create spaces for windows and doors. Taking all of these factors into consideration, the overall proportions of the building would remain the same and there would be no significant extension to the appeal property.
7. In terms of sustainability, the proposal seeks to re-use an existing building, which is a far more sustainable proposition than constructing a brand new dwelling. Whilst the occupiers of the building would undoubtedly be mostly reliant on the use of private vehicles, as opposed to public transport, this would be no different to the situation of the other occupiers of the farmstead complex. Furthermore, the use of the building as a dwelling would likely result in fewer vehicular movements in smaller domestic sized vehicles to and from the site than if the building were to remain as a builder's storage facility.
8. The Council have referred to an earlier appeal decision² relating to the conversion of a building in the countryside which the Inspector dismissed due to the apparent lack of convenient access to local services. In this decision² the Inspector considered it unlikely that residents of the proposed dwelling would walk 2.3 km to access the services and facilities of a neighbouring settlement. In the case which is before me however, it was clear from my visit that local services at Cottingham would be located less than 1 km away from the appeal site and would therefore be more accessible than in the earlier appeal decision² referred to by the Council. As such, the proposal would contribute to the sustainable forms of development envisaged by the Framework in paragraph 78.

² Appeal decision reference: APP/E2001/W/16/3154946

9. It is proposed that the existing external walls of the appeal building are overclad with vertical Yorkshire Boarding. Such a treatment is a feature typically seen on agricultural buildings and whilst the appearance of the building would change, this would fit well within its former farm complex context. In addition, the proposal would also see the removal of the existing tall palisade fencing, which would be replaced with a timber post and rail fence of a more domestic appearance, which would further assist in the coalescing of the appeal site with the wider farmstead. As a result, the retention and reuse of the building in the manner proposed would enhance its immediate setting within the farmstead complex and also at a wider level, when viewed from a distance within this Key Open Area of the countryside.
10. Accordingly, I find that the proposal is in a suitable location for housing in the countryside. As such it does not conflict Policy S4 of the LP or paragraphs 78 and 79 of the Framework.

Other Matters

11. The Council have suggested that the appellants' have not satisfactorily demonstrated that there is no longer a need for the use of the appeal site as a builder's storage facility, or that it is not viable for another employment use to occur on the appeal site, which is a requirement of Policy EC1 of the LP. From the limited information before me, the appellants' have made it clear that due to the nature of the way that their business operates, with materials being delivered directly to the building sites where they are required, they do not have a need for a premises of this size in which to store materials. This claim was evident at my site visit, as there was only a minimal amount of individual items present on site, including within the appeal building.
12. When considering whether it would be viable for another business to operate from the site, clearly this is something that could occur if a prospective occupier were to come forward. I am mindful that other residents from the farmstead have raised concerns that if this were to occur, then this could lead to an intensification of the use of the premises, which by the appellants' own admission they have operated in a low-key, neighbourly manner. Therefore, it is not unreasonable to consider that such a change could indeed result in increased noise and disturbance. With this in mind, and given the detached location of the farmstead complex, I consider that the overall benefits that the proposal would bring to the farmstead would outweigh the loss of the current employment opportunities that the appeal building offers. Such a loss would be supported by criterion C1 of Policy EC1 of the LP whereby the loss of employment uses are supported where these are not in conformity with adjoining land uses that could give rise to complaint.
13. Whilst generally in favour of the proposals, during the course of the application process neighbouring residents expressed concerns that a row of Leylandii trees to the west of the appeal site may be removed if the proposal were to go ahead. From the limited information before me, the proposed site plan shows these trees as lying outside of the appeal site and as being retained. Whilst I have had regard to the concerns raised, there is no indication that these trees would be removed as a result of the proposal.

Conditions

14. The Council has suggested a number of planning conditions, which I have considered against the tests set out in Paragraph 55 of the Framework and the Planning Practice Guidance (PPG), amending the wording where necessary for the sake of simplicity, clarity and precision. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty and a condition requiring that the materials used are as specified on the approved plans, in order to ensure that the development is in-keeping with the character and appearance of the surrounding area. Also, in order to protect and enhance biodiversity, as required by paragraphs 174 – 177 of the Framework, I have imposed a condition that requires the development to include bat and bird boxes to be erected on site.
15. The PPG advises that conditions restricting permitted development rights should only be imposed in exceptional circumstances. The scope of such a condition needs to be precisely defined so that it is clear exactly what rights have been limited or withdrawn. Blanket removal of freedoms to carry out small scale domestic alterations that would otherwise be permitted are unlikely to meet the tests of reasonableness and necessity. Whilst I note the Council's suggested reasoning, I do not find it to be an exceptional justification to restrict many of these permitted development rights. As the appeal building is contained within its own curtilage within the farmstead complex, I do not consider it reasonable to restrict the construction of a porch, or alterations to the roof, or for outbuildings or other additions to be constructed within the curtilage of the appeal property in relation to the permitted development rights under Classes B, C, D and E³. However, as the appeal property is large in size, due to it originally being part of an agricultural barn, then I do consider it reasonable to restrict any further enlargement, improvement or alteration to the appeal building itself. I have therefore attached a condition restricting any development contained in Class A.

Conclusion

16. For the reasons given above, I conclude that the appeal is allowed, subject to the conditions as set out in the attached schedule.

Jamie Reed

INSPECTOR

³ Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1

Schedule of Conditions (5 in total)

- 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 Plan, 3308/28; Existing Site Plan 3308-27A; Existing Floor Plans 3308-22; Existing Elevations 3308-23; Proposed Site Plan 3308/26E Rev F; Proposed Floor Plan 3308/10F Rev F and; Proposed Elevations 3308/11F Rev F.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans, which shall be maintained as such thereafter.
- 4) Prior to the occupation of the dwelling hereby permitted one bat box such as a Schwegler 2FE, 1FQ, or 1WQ and one artificial nest for small birds such as a Schwegler 1B bird box, Bird Home 1MR, or Schwegler Sparrow Terrace (or equivalent products from alternate suppliers) shall be erected on the site in accordance with the manufacturer's installation recommendations and shall be retained thereafter for the lifetime of the development.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class A of that Order shall be carried out without the grant of a separate planning permission.

*****End of Schedule of Conditions*****