
Appeal Decision

Site visit made on 30 July 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/G2713/W/19/3228896

Large Storage Structure at Ashlands Farm, Welbury DL6 2SB

- 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 David Ozelton & Mrs Angela Ozelton against the decision of Hambleton District Council.
 - The application Ref 19/00551/FUL, dated 8 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is the change of use of an existing storage structure to 2 x C3 use class, 3-bedroom residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A previous refusal for a similar proposal to change of use of the building to dwellings was upheld at appeal (APP/G2713/W/18/3204442). There have also been two appeals (APP/G2713/W/17/3171405 and APP/G2713/W/18/3204930) dismissed for the conversion of the building to residential use under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. The appellants have since sought a lawful development certificate for the use of the building as domestic storage, which was issued by the Council in February 2019. I have proceeded on the basis that domestic storage is its current established use.

Main Issues

3. The main issues are 1) whether the proposal would be an appropriate form of development in this location, having regard to relevant local planning policies; and the effect of the development on 2) the character and appearance of the area; and 3) the living conditions of future occupiers with regards to internal habitable space.

Reasons

Local Planning Policy

4. The appeal site is located within an area identified as countryside in the Hambleton District Council Core Strategy 2007 (the CS). Policy CP4 of the CS sets the criteria and exceptions for development outside of the identified settlement hierarchy, and development will only be supported where an

exceptional case can be made for proposals in terms of the criteria for achieving sustainable development in Policies CP1 and CP2 of the CS.

5. I have considered the appellants' submission that the proposed development consists of the re-use of an existing building and constitutes an exception under Policy CP4. Part iv of Policy CP4 allows for the re-use of buildings without substantial alteration or reconstruction and would help support a sustainable rural economy or help to meet a locally identified need for affordable housing. The building currently has blank elevations to the sides and rear. The proposal includes the insertion of multiple new windows, doors and rooflights, which would result in extensive glazing on all four elevations, and new timber cladding. As a whole these are substantial alterations to the building. Furthermore, there is no evidence before me that the dwellings would help support the local economy or meet a locally identified affordable housing need. Therefore, the proposals are not an exception under Policy CP4 part iv of the CS.
6. The appellants submit that the proposal to re-use the building is consistent with paragraph 79 of the National Planning Policy Framework (the Framework), as the building is too large for domestic storage and surplus to the requirements. However, even if this were the case, I conclude below that the proposed development would not enhance the buildings setting, and the proposed designs are considered neither truly outstanding or innovative. Therefore, paragraph 79 of the Framework provides no support for the proposed development.
7. Furthermore, I have considered the appellants' submission in relation to the proposed dwellings not being considered isolated dwellings in the countryside, because of adjacent buildings and the dwelling at Ashlands Farm. Notwithstanding this, the previous Inspector concluded that the site is set well apart from settlements and regarded it to be isolated in the countryside. There is no evidence of any changes to these circumstances, and thus I see no reason to come to a different conclusion.
8. The appeal site forms part of Ashlands Farm, which consists of the existing dwelling and small group of outbuildings and associated small holding. The site is surrounded by open farmland and the evidence before me confirms it is outside of any designated settlement. Other developments in the area consists of sparsely located dwellings and farm buildings. The nearest settlement is the village of Welbury which is approximately 0.5km, services there are limited to a public house and the village hall.
9. A wider range of services and facilities for day to day needs are found further afield, but from the information before me there is no evidence of access to public transport or opportunities for walking or cycling to these services. Taking this into account future occupants would be reliant upon the car which would not assist in sustainable development and mitigating the effects of climate change. The appellants consider the Council's policies associated to this matter to be out of date. However, in so far as they relate to this appeal, the policies are consistent with the aims of the Framework.
10. I conclude that the proposed dwellings constitute inappropriate development in the countryside and would be contrary to Policies CP1, CP2 and CP4 of the CS, and paragraph 79 of the Framework which collectively seek to protect the

countryside, promote sustainable forms of development, and reduce the need to travel by car.

Character and Appearance

11. The existing building is functional and agricultural in appearance, it is surrounded by fields, and the prevailing character of the area is rural. Whilst I understand the building has been used for domestic storage associated with the existing dwelling, the overall appearance remains that of an agricultural building, which is in keeping with its countryside location.
12. Whilst the proposed development would not result in any extensions, it would result in substantial alterations to the external fabric of the building including a significant number of new window and door openings, rendering and cladding which would result in the domestication of the building, diminishing its rural character. Furthermore, the associated curtilages and resultant residential paraphernalia would contribute to this change in character of the site. Whilst there is a high level hedge between the building and the road, this would only partially screen the building from view on the adjacent road, the higher level timber cladding, roofing materials, glazing and rooflights would still be visible.
13. The external alterations would result in an unusual domestic appearance, even taking account of the adjacent dwelling, it would appear uncharacteristically large and bulky for dwellings, out of kilter with the more traditional form and scale of nearby rural dwellings. I have considered the appellants' submission that the materials could be controlled by planning condition, however this would not overcome the overall harm I have identified above.
14. I have considered the submissions from the appellants and local residents who consider the existing building is unattractive and consider the proposals to be a visual improvement. However, its modern agricultural appearance is typical of its countryside location, and the building sits comfortably within its rural surroundings. Whereas the proposed appearance would be harmful to the rural character of the area.
15. I conclude that the proposed dwellings would result in an incongruous feature, that would fail to reflect the distinctiveness and rural character and appearance of the area. As such it would fail to enhance its immediate setting and would not accord with Policies CP1 and CP16 of the CS, DP30 and DP32 of the Hambleton District Council Development Management Plan Policies (the DMPP) and paragraph 127 of the Framework, which collectively seek to ensure that new development respects local character and integrates with its surroundings.

Living Conditions

16. The submitted plans show each of the three bedrooms would contain a double bed indicating double occupancy. Whilst the ground floor bedroom and bedroom 1 would be large enough for two people, bedroom 2 would be too small to accommodate a double bed, the storage required and the space for two people to move around the room. This would result in poor living conditions for future occupants.
17. The Council contends that the overall floor space of each dwelling would not meet the nationally described space standards. From the evidence before me the standards have not been formally adopted by the Council. I can therefore attribute little weight to this document. In any event it does not alter the harm

I have identified above. The Council also refer to Policies CP8 and DP13, these relate to type, size, tenure and housing mix with regards to local housing need. They do not relate to room sizes or the living conditions of future occupiers, so are not relevant to the harm I have identified above.

18. Nevertheless, I conclude that the proposed dwelling would fail to provide suitable living conditions for future occupants and would not accord with Policy DP1 of the DMPP which seeks to ensure that new development makes provision for the basic living conditions required by future occupants.

Other Matters

19. I have considered the appellants' submission in relation to permitted development rights for the conversion of rural buildings. However, given permitted development rights do not apply, and planning permission is required, the proposals have to be considered against relevant local planning policies, and the Framework. Therefore, this matter does not alter my conclusions on the main issues above.
20. I have considered the appellants' submission in relation to the use of brownfield land, housing completion rates in the area, no effect on the living conditions of neighbours, and low traffic generation. However, these are moderate benefits at best, and would not outweigh the policy issues, or the significant harm to the living conditions of future occupants and the character and appearance of the area that would occur. Therefore, this is not a material consideration that indicates the proposal should be determined other than in accordance with the development plan.

Conclusion

21. The proposed development would be contrary to the development plan and there are no other material considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

R Cooper

INSPECTOR