



Appeal Decision

Site visit made on 4 October 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/C1625/W/19/3230777

The Dutch Barn, Calf Way, Bisley, Gloucestershire (390287, 206759)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Dickenson against the decision of Stroud District Council.
 - The application Ref S.19/0399/FUL, dated 22 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is described on the application form as 'change of use of existing agricultural building to a single dwelling, including associated works (resubmission following determination of application S.17/2710/FUL)'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellants against Stroud District Council ('SDC'), which is the subject of a separate decision.

Preliminary matters

3. Noting the planning history here,¹ each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding an ongoing review, in this instance the development plan includes policies of the Stroud District Local Plan (adopted 19 November 2015, the 'LP'). The Parish of Bisley-with-Lypiatt was, on 25 July 2019, designated as an area for the purposes of preparing a neighbourhood plan. However work in that respect appears to be at an early stage.
4. I have had regard to various other material considerations, including the National Planning Policy Framework (updated 19 February 2019, 'NPPF'), the Planning Practice Guidance ('PPG'), the Bisley-with-Lypiatt Parish Village Design Statement (adopted by SDC as supplementary advice on 11 November 2010, the 'VDS'), the Stroud District Landscape Assessment Supplementary Planning Guidance (November 2000, the 'SPG'), and a Landscape Sensitivity Assessment informing the LP review (dated December 2016, the 'LSA').²
5. There is significant local support for the scheme, and also disappointment that the decision arrived at by SDC was not through discussion at planning

¹ Including application Ref S.17/2710/FUL, referenced in the banner heading, and S.17/0605/FUL previously.

² Prepared by White Consultants, which has not yet been subject to consideration at examination.

committee. I address the latter point in the costs decision. In respect of the former, it has been suggested that I treat community support for the proposal as equivalent to a neighbourhood plan policy that would enable the development proposed. There is some force in that argument as a neighbourhood plan is, effectively, a shared local vision for an area.

6. However to do so would bypass several steps in neighbourhood plan development. A neighbourhood plan must be in general conformity with the strategic policies of the development plan in force. It becomes part of the development plan only if supported at referendum. The Council's officer report related to application Ref S.19/0399/FUL sets out that, at that stage, there were 103 representations in favour of the scheme. The supporting Design and Access Statement ('DAS') indicates that Bisley has a population of around 2,200. Numerically, the level of support therefore likely represents a fraction of those who would be eligible to participate in a referendum.
7. In error the Council's decision notice references superseded iterations of the plans, albeit the associated officer report nevertheless refers to 'proposed revisions to the curtilage and boundary treatment' relative to the former scheme. I have assessed the proposal on the basis of the plans listed in correspondence from Willis & Co. of 13 June 2019.

Main issues

8. Based on all I have read and seen the main issues are:
 - i. whether or not the proposal would be tantamount to the creation of a new dwelling,
 - ii. whether or not the appeal site is an appropriate location for the development proposed, and
 - iii. the effect of the proposal on character and appearance.
9. If I find that harm would result, I will then gauge whether other material considerations in favour of the scheme nevertheless justify allowing the appeal.

Reasons

10. The term Dutch Barn is mutable, suggesting a barn designed for hay storage, albeit there is no dispute that is an appropriate descriptor here. The barn in this case appears mid-twentieth century in origin. It is a substantial structure with asymmetric monopitched roof sections either side of a central curved element, a design which is more intricate than that which typifies contemporary utilitarian barns. The chair of Stroud Civic Society, a local historian, explains that the barn dates from around the 1950s, representing a standard design by Frank Dale of Hereford. It reflects a blend between traditional structures and modern portal barns. In my view the barn is therefore of some local interest, albeit not an uncommon typology.
11. Structurally the roof and upper sections of walls, clad in corrugated fibre or metal sheeting, are supported by a relatively lightweight steel structure. At a low level there are a number of blockwork courses. Some cladding seems to be more recent than the origins of the barn, and it may be that blockwork infilled formerly open elements. Routine maintenance has been neglected for some time. Vegetation has become intertwined with the structure along the field

boundary next to its north-western elevation. The frame has rusted in places, and there are visible signs of water ingress around the base of the building.

12. Situated close to Calf Way, the barn falls beyond the settlement boundary for the village of Bisley. It is set within a broadly level field, one of a number within the now-diversified holding of Stancombe Beech Farm (edged blue on plan AG18143 -200). I understand that the appellants work the land and run the farm shop a field over to the north, commuting from Stroud to do so. I am told, and saw nothing to indicate to the contrary, that the barn is infrequently used and essentially surplus to need.

Whether or not the proposal would be tantamount to the creation of a new dwelling

13. There is qualified support for the conversion of rural buildings in the LP, and more broadly. LP policy CP15, criterion iii) envisages scenarios where the conversion of such may be acceptable, provided that they are 'appropriately located and capable and worthy of conversion'.³ I address location subsequently. As set out above the building is of some vintage, albeit seemingly modified over time. The barn is, however, not formally identified as a heritage asset or designated heritage asset.
14. More broadly the NPPF supports a thriving rural economy, and also housing that will enhance or maintain the vitality of rural communities. NPPF paragraph 79(c) sets out one exception to the general position that the development of isolated homes in the countryside should be avoided. That is where the development would re-use a redundant or disused building and enhance its immediate setting. Policy CP15 does not include the exact phrase in NPPF 79(c), nor the equivalent in paragraph 55 of the previous iteration of the NPPF. Nevertheless, in substance CP15 and NPPF paragraph 79(c) are not at odds; as set out above the former includes provisions related to conversion of buildings.⁴
15. In certain circumstances permitted development rights under 'Class Q' allow for the conversion of agricultural buildings to dwellings,⁵ albeit they do not apply to 'article 2(3)' land, which includes Areas of Outstanding Natural Beauty. However, in broad terms, I accept the existence of such permitted development rights potentially enables housing provision in locations which may not be considered optimal in terms of accessibility.⁶
16. As the appellants note, the Government's response to consultation on the prospect of Class Q permitted development rights sets out the expectation that a proactive and positive approach to sustainable development should nevertheless be taken in article 2(3) land.⁷ Class Q(b) refers to 'building operations reasonably necessary to convert the building' (my emphasis), which broadly aligns with 'capable' of conversion in LP policy CP15.⁸

³ LP paragraph 5.39 also deals with potential conversion to tourist uses.

⁴ Moreover no one element of the NPPF automatically outweighs any other, and in order for a plan to be sound it must be consistent with national policy (NPPF paragraph 182).

⁵ The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

⁶ PPG Reference ID: 13-108-20150305

⁷ 'Greater flexibilities for change of use: Report on responses to the consultation', March 2014.

⁸ PPG Reference ID: 13-105-20180615 sets out that 'It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.'

17. Noting the age and state of the barn as described above, there is no substantive information as to whether the structure is suitable for conversion, for example with regard to its structural integrity. It appears that all external materials would be replaced and a significant number of new openings for doors and windows created. Neither plan AG18142 - 150 Rev. C, nor the DAS set out concretely how the existing steel structure would be incorporated into the design proposed.
18. Notwithstanding the circumstances of the appellants set out above, the proposal is not for a rural workers' dwelling (under LP policy CP15 criterion 1., or NPPF paragraph 79(a)). The appellants set out that the Council previously incorrectly assumed that was the case. I consider that matter in the costs decision. However I note here that assumption appears to have been made by a number of individuals who have expressed support for the scheme.
19. Various representors explain how the appellants are part of the warp and weft of the community, and that the scheme would be beneficial to their working the land and running the farm shop. However those points are only obliquely relevant to planning. I do not suggest the following scenario would occur. Nevertheless as the dwelling proposed is not intended to be a rural workers' dwelling, were permission to be granted, it would then be possible for the appellants to part with their interest in the barn. There would be no enduring requirement that the dwelling remain in use in connection with the surrounding land, or otherwise related to the needs of rural workers. Consequently the proposal is inherently for a new open market dwelling.
20. My reasoning in respect of whether or not the barn would be capable of conversion is not determinative. It is set out only in so far as robust evidence may have weighed in favour of the proposal. More fundamentally, in planning terms, the proposal is tantamount to the creation of a new dwelling in respect of use.

Appropriateness of location

21. Supporting LP policy CP1, policy CP2 directs growth principally towards strategic locations where the provision housing, jobs and infrastructure is to be coordinated. Beneath CP2, policy CP3 guides development broadly proportionately to a settlement hierarchy based on the size and function of settlements. Bisley is identified as a 'third tier' settlement, although it benefits from various services and facilities (including a post office, public houses and a primary school). LP paragraph 2.76 explains that suitable development may be permitted within established settlement boundaries, with paragraph 6.9 explaining that policy CP15 is a counterpart policy serving to limit development elsewhere. CP15 has two main aims, to focus development in accessible locations, and to preserve the character of the countryside. Those are common to NPPF paragraphs 104 and 170.
22. The appellants set out that the appeal site falls around 320 metres from the settlement boundary, approximately 650 metres from the centre of the village, and around 100 metres from the nearest dwelling (Ivy Cottage). A speed limit of 30 miles-per-hour applies by Ivy Cottage, the last of a handful of properties projecting northwards from the settlement boundary. However Calf Way adjacent to the appeal site is subject to the national speed limit. Close to the

access to the barn there is a sign reading 'Intermittent footway for 1 mile'. I saw that there is no dedicated footway for some distance southwards of the appeal site along Calf Way, albeit that there is a grassed verge offering some informal refuge from oncoming vehicles.

23. The barn falls within an open, level field. It is a lone building without surrounding contextual development. The landscape here is principally characterised by a patchwork of good-sized fields. As with Calf Way, fields tend to be bounded by low level stone walls and hedgerows. Combined with the broadly level topography, that lends the area a characteristic sense of openness. There are often expansive views across fields to distant wooded horizons, notably eastwards between Ivy Cottage and the appeal site. Tracking broadly north-south, through land within Stancombe Beech Farm, runs the Wysis Way footpath. That connects with Calf Way by the plot of Lismore, the property next to Ivy Cottage.
24. Given the nature of Calf Way by the appeal site, the walking or cycling route from the barn to the Village is unwelcoming and likely to deter most individuals (particularly during inclement weather or outside of daylight). I accept that the walking distance from the barn to Bisley would be broadly comparable with that from the handful of properties projecting northwards of the settlement boundary identified above, if proceeding via Wysis Way.⁹ However doing so would require crossing an agricultural field for some distance, and thereafter proceeding along a narrow enclosed footway without lighting. Accessibility to nearby services and facilities is therefore relatively poor. There is no indication that bus services here are sufficiently regular to meaningfully reduce the reliance on private vehicles that would likely be associated with the use of the dwelling proposed.¹⁰
25. The appellants' bring the judgement in *Braintree District Council v SSCLG & Ors* to my attention,¹¹ in arguing that reliance should not be placed solely on the site falling outside of a defined settlement boundary. I accept that premise; the essence of that judgement is that 'isolated', within the terms of NPPF paragraph 79, should be accorded its ordinary objective meaning. However I disagree with the appellants' summary that the site is 'certainly not in the open countryside and is by no means isolated'. As set out above, visually the barn stands alone in expansive rural surroundings; the appellant stating that the particular field in which it sits amounts to some 19,700 square metres (the residential curtilage proposed representing less one percent thereof). Moreover I have reasoned above how it is separated visually from the nearest surrounding properties and relatively inaccessible.
26. I therefore conclude that the barn may fairly be described as isolated, i.e. 'far away from other places, building or people; remote'. The appeal site is consequently not an acceptable location for the development proposed. By contrast the proposal entails the potential for additional vehicular movements to a relatively inaccessible location (and associated carbon emissions). That is in conflict with the relevant provisions of LP policies CP3, CP15 and NPPF paragraph 79.

⁹ Noting that there is an access gap shown on plan JH-AD-100 to enable that route to be taken.

¹⁰ In any event, I am also told that the nearest bus stop is some 450 metres away to the south.

¹¹ [2017] EWHC 2743 (Admin), notwithstanding the subsequent Court of Appeal judgment of 28 March 2018.

27. My view in that respect is reinforced by the VDS. That states 'there is a context for considering very limited development outside the village settlement boundaries as an exception to normal planning'. The VDS further explains in that regard that '...development outside a settlement boundary will be considered only if the design is demonstrated and proven to be truly outstanding and ground breaking in the national context' (my emphasis). I now turn to matters related to design.¹²

Character and appearance

28. As with much of the District, the appeal site falls within the Cotswolds Area of Outstanding Natural Beauty ('AONB'). It is within the 'Cotswold Cluster' area as illustrated on the LP vision diagram, wherein a key issue referenced in LP paragraph 3.90 is conserving and enhancing the countryside. In brief and amongst other things, LP policy ES7 sets out that development should conserve and enhance the natural and scenic beauty of the landscape. Similarly NPPF paragraph 172 sets out that 'great weight' should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, 'which have the highest status of protection in relation to these issues'. I am also required by statute to have regard to the purposes for which Areas of Outstanding Natural Beauty are designated.¹³
29. More specifically the barn falls within the 'Wold Tops' Landscape Character Type as defined in the SPG. The SPG identifies the key characteristics of the Wold Tops as an expansive plateau of open arable fields. It particularly notes a 'lack of enclosure from hedgerow trees, scrub or building'. Those observations accord with mine of the surrounding context of the barn. The LSA indicates that land parcel Bi07, which includes the appeal site, has a 'high/medium' sensitivity to change.¹⁴
30. The overall form and corrugated cladding of the barn would, I accept, be reflected in the proposed dwelling. Alterations to the front elevation facing the site access would be comparatively minimal. Access arrangements would be altered, and parking provided on an area of lower ground, thereby limiting visibility of parked vehicles. Two runs of six metre deep 'plantation belts' are proposed around the barn, and also a one metre wide native hedgerow broken only to provide for pedestrian access beyond the rear elevation. Those features would serve to enclose the barn, and would in time reduce its prominence in the landscape.
31. I accept, as a local resident aptly puts it, that it is the farming community who maintain, protect and create the landscape, flora and fauna. However inherent in that statement, and in the making of the landscape, is that farming is intertwined with rural character. That is similarly the case of buildings serving functional requirements of agriculture, which are accorded some flexibility in statute.¹⁵ Barns such as this are therefore consistent with landscape character. That is not so true of isolated dwellings.

¹² No argument has been made that the proposal would represent the type of development specified under NPPF paragraph 79(e).

¹³ Section 85(1) of the Countryside and Rights of Way Act 2000

¹⁴ Noting that otherwise, exempting Bi01, the landscape is assessed as having a 'high' sensitivity.

¹⁵ Notably section 55(2)(e) of the Town and Country Planning Act 1990 as amended, and Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended ('GPDO').

32. The proposal would result in a more residential appearance to what is presently a barn of essentially functional design. In particular the south-east side elevation facing towards Calf Way would feature extensive glazing, including at first floor level. That would appear clearly domestic, and is likely to be readily apparent from surrounding vantage points. I note that the DAS explains how the barn occupies a 'prominent location' and is 'easily recognisable' when proceeding along Calf Way.
33. Domestic paraphernalia could be limited to a degree, albeit not to the extent that would impose unreasonable restrictions. Paraphernalia and maintenance of the curtilage and access to a domestic standard would likely alter the rugged agricultural character of the site. Domestic use of a building, as opposed to agricultural storage, is also highly likely to result in greater illumination. In combination with the design of the proposal, that would draw attention to the proposal and its incongruity in the landscape at certain times. Boundary planting of 60-80cm specimens would inevitably take considerable time to mature before they provide meaningful screening. Moreover, in time such screening may appear at odds with the characteristic expansiveness of the landscape.
34. Various factors would mitigate the visual effects of the development proposed. However at present the barn is consistent with a rural aesthetic. The proposal would result in a domestic appearance to the building, which would not be mitigated to an appropriate extent. Therefore, whilst the harm arising would be relatively slight, the proposal nonetheless conflicts with the relevant provisions of LP policy ES7 and NPPF paragraph 172.
35. It may be that the barn will fall further into disrepair if an alternative use is not found. However there is no indication that it is inherently unsuitable for continued agricultural use. There is also no substantive evidence that such an alternative use must necessarily be the particular scheme before me. Furthermore, were I to have found that no harm would result in respect of character and appearance, following my reasoning in the second main issue, that would not amount to an enhancement to the immediate setting within the terms of NPPF paragraph 79(c).

Other matters

36. LP paragraph 3.89 explains that services available and the vitality of settlements in the Cotswold Cluster area have declined. In that context I accept that the proposal would have certain benefits, notably in resulting in an incremental increase in local housing stock, in supporting employment during construction, and as future occupants would make use of local services and facilities. I note the appellants' intention to create a dwelling designed to high levels of accessibility, adaptability and sustainability. Undoubtedly the proposal would be beneficial to the appellants, compared to their current commute from Stroud. Whilst a reduction in vehicular emissions associated with commuting may result, there is little substantive evidence before me as to the rationale for the appellants' reasons for living in Stroud as opposed to elsewhere. Moreover, following my reasoning in paragraph 19, any reduction, if it were to arise, would not necessarily be lasting.

37. Moreover the benefits of one new home, even if acceptable in all other respects including safeguarding ecology and access arrangements, would inevitably be modest (particularly set against the LP requirement for at least 11,400 homes between 2006 and 2031). There is no dispute that SDC are able to demonstrate in excess of a five year housing land supply relative to needs, with reference to NPPF paragraphs 67 and 73. Neither the support for housing provision or for development that would support a thriving rural economy in general terms in the development plan nor in the NPPF is at the expense of ensuring that all development is appropriately located and integrates suitably with its surroundings. Inherent in the position in paragraph 18 above, no essential need has been demonstrated within the terms of LP policy CP15 or NPPF paragraph 79. No other material considerations are consequently sufficient to outweigh the harm that I have identified would result.

Conclusion

38. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR