



Appeal Decision

Site visit made on 1 October 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/B3410/W/19/3232085

Saredon Terriers, The Old Crossing, Hook Lane, Stramshall, Uttoxeter ST14 5AS

- 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 Mrs D Scawthorn against the decision of East Staffordshire Borough Council.
 - The application Ref P/2018/01194, dated 16 September 2018, was refused by notice dated 11 February 2019.
 - The development proposed is the change of use of an existing commercial dog grooming parlour to dwelling (bungalow)
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of an existing commercial dog grooming parlour to dwelling (bungalow) at Saredon Terriers, The Old Crossing, Hook Lane, Stramshall, Uttoxeter ST14 5AS in accordance with the terms of the application, Ref P/2018/01194, dated 16 September 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: 18-117-01; 18-117-02; 17-113-04.
 - 3) All external materials used in the development shall match those of the existing building, including colour, size, coursing and texture.
 - 4) The dwelling hereby approved shall not be occupied until the parking area has been provided in accordance with the details indicated on approved plan 18-117-02 as received 17 September 2018. The parking area shall thereafter be retained for the stated purposes for the lifetime of the development.

Main Issue

2. The main issue is whether the development would be in a suitable location for housing, having regard to national and local planning policies on housing in the countryside.

Reasons

3. The appeal relates to a single storey detached building. This sits in the grounds of a wider site that contains a detached dwelling and dog kennels. The site is located along a narrow country lane, well outside any defined

settlement. The development would clearly be located in the open countryside and, in terms of the National Planning Policy Framework (the Framework), be considered 'isolated'.

4. Strategy Policy 8 (SP8) of the East Staffordshire Local Plan (LP) (2015) states that development outside settlement boundaries will not be permitted unless it meets one of nine exceptions and several other criteria. Only one of the exceptions is relevant to the appeal. This allows for the appropriate re-use of 'rural buildings' following guidance set out in the Rural Buildings Supplementary Planning Document (RBSPD).
5. Neither Policy SP8 or the RBSPD define what is meant by a 'rural building'. Paragraph 2.3 of the RBSPD refers to the need to demonstrate that modern buildings have been used for agricultural purposes for a substantial period before being allowed to convert to a residential use. The reason given is to prevent buildings being constructed under false pretences merely to secure a non-agricultural use. There is nothing to suggest any false pretence in the case of the appeal site. This weighs in favour of the proposal to an extent.
6. I also note that paragraph 2.4 states that residential uses may be acceptable where there is no alternative use. Here it states that residential conversion is generally only appropriate for 'traditional agricultural buildings'. The document does however refer to both 'rural' and 'agricultural' buildings separately. This implies some distinction between the two. Nevertheless, there is some support in the paragraphs mentioned above for the notion that the RBSPD allows only for the conversion of agricultural buildings to dwellings.
7. The Council's officer report highlights an appeal decision which addressed this issue¹. While this was considered prior to the current version of the Framework, the relevant policies have not changed. This decision therefore remains highly material to this appeal. The Inspector in that case concluded that as the building in question was not previously agricultural it would fail to meet the requirements of Policy SP8 or the RBSPD. While I am not bound by this decision, consistency in the planning system is important. I have not been provided with any alternative appeal decisions where a different view of the policy has been taken. Thus, in assessing whether there is consistency with the policy, this is a material consideration of significant weight.
8. In terms of national policy, Paragraph 79c of the Framework allows for the re-use of redundant or disused buildings where it would enhance its immediate setting. Importantly, there is no indication that such conversion should be restricted to agricultural buildings only. There appears therefore to be an element of inconsistency between the RBSPD and the Framework in this regard.
9. The Framework is however quite specific in what conversion it finds acceptable. Although supporting evidence indicates the business is due to close, it is not clear if this has taken place. Therefore, it is unclear whether the building is currently disused. There is also nothing to suggest it is in any way 'redundant'. The development would also have a neutral impact on the character and appearance of the area. As such, I am not persuaded that it would enhance the setting of the building. Irrespective of any inconsistency with the RBSPD,

¹ Appeal reference: APP/B3410/W/19/3179096

the development would not therefore meet the requirements of either limb of Paragraph 79c.

10. Furthermore, Paragraph 78 states that housing in rural areas should be located where it would enhance or maintain the vitality of settlements. The development would result in an increase in sporadically located dwellings in the open countryside, for which there is no support in the Framework. While one dwelling would generate some additional expenditure, this would not be enough to have any material effect on any individual settlement's vitality. There would therefore be no consistency with Paragraph 78.
11. There is little doubt that future occupiers of the development would be reliant on the car for most day-to-day trips. In this respect, there would be conflict with Strategy Policy 1 (SP1). The appellant has drawn my attention to the potential significant reduction in trips that might result from the development. I address this further in the 'planning balance' below.
12. There is some ambiguity in Policy SP8 and the RBSPD. However, I am not convinced that the development would be consistent with the requirements of the RBSPD. Consequently, there would be conflict with Policy SP8, which seeks to resist inappropriate development in the countryside. There would also be conflict with Policy SP1 and Strategic Policy 2 which establish a settlement hierarchy for the area and seek to focus development into the most sustainable locations. As set out above, the development would also not comply with the Framework's policies on dwellings in rural areas.
13. The Council's reason for refusal refers to a lack of local housing need. There is no suggestion that the development is being proposed as a rural exception site. As such, Strategic Policy 18 (SP18) does not appear relevant. There is no requirement to submit a housing need assessment under Policy SP8. In addition, the Council's Housing Choice Supplementary Planning Document (2016) is clear that it does not apply to the conversion of existing buildings providing less than four units. I therefore see no conflict with policies SP8 or SP18 in relation to local housing need.

Other Matters & Planning Balance

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
15. There is little doubt that in normal circumstances this is a location where new dwellings would normally be resisted. However, I am mindful that this is an existing building with a permitted commercial use. Even if the current business were to close, it would still have the potential to re-open in the future. The appellant has suggested that the development could result in 26 fewer daily two-way trips. This figure is not substantiated. Nevertheless, it would be reasonable to assume that it would be capable of generating more trips to and from the site than a single dwelling. These would generally be made by car. In my view, the likely reduction in trip generation constitutes a material benefit of the development.
16. Furthermore, the physical works to the building would be acceptable and would cause no harm to the character or appearance of the area. The reasons given for resisting inappropriate development in the countryside are essentially to

promote more sustainable patterns of development and protect the intrinsic beauty of the countryside. The development would not result in harm to either of these aims.

17. Irrespective of whether the development fully meets the specific requirements of local or national policy, it would still make efficient use of an existing building. This still constitutes a benefit that garners some weight in favour of the development. Although there is no indication that there is a housing shortage, the development would also add an additional dwelling to the supply. Although of only limited benefit, this also weighs in favour of the proposal.
18. Concerns raised by the Parish Council over the planning history of the building are outside the scope of the appeal and have had no bearing on my decision.
19. In conclusion, the development would result in some benefits in terms of sustainable transport and would make beneficial use of an existing building. It would also result in no harm to the character of the countryside. In my view, the benefits of the scheme therefore outweigh the harm caused. In the very specific circumstances of this case, there are therefore material considerations which would lead me to a decision other than in accordance with the development plan.
20. I recognise that my overall conclusion differs to that of the Inspector in the appeal referred to above. However, there are clear differences in the two cases in terms of the nature of the existing use which lead to a different planning balance and judgment.

Conditions

21. I have considered the suggested conditions from the parties in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty. I have imposed a condition on materials in the interests of the character and appearance of the area. In the interests of the living conditions of future occupants and highway safety, I have also imposed the suggested condition on the implementation of parking spaces prior to occupation. I have made minor amendments to the suggested conditions in the interests of clarity and precision.
22. I have not imposed the Council's suggested condition on the protection of trees during construction. There is no indication in any of the evidence that this was a concern of the Council or that construction could result in harm to retained trees or hedgerows. Furthermore, no evidence has been provided to indicate the removal of permitted development rights is a necessity. As such, I have not imposed the suggested condition.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR