



Appeal Decision

Site visit made on 29 July 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/P1045/W/19/3229075

Newlands Farm, Sutton Lane, Longford DE6 3DE

- 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 Stephen Duke against the decision of Derbyshire Dales District Council.
 - The application Ref 18/01433/FUL, dated 20 December 2018, was refused by notice dated 18 April 2019.
 - The development proposed is for the conversion of a redundant agricultural building to form a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant agricultural building to form a single dwelling at Newlands Farm, Sutton Lane, Longford DE6 3DE, in accordance with the terms of the application, Ref 18/01433/FUL, dated 20 December 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: B18/12/2, Block Plan 1:500, Location Plan 1:1250.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations/extensions, including to its roof, shall be made to the dwelling hereby approved and no buildings, gates, walls, fences or hardstanding shall be erected within its curtilage.
 - 4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 5) Prior to occupation of the dwelling hereby approved the site's existing vehicular accesses to Longford Lane shall be provided with emerging visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 103 metres in each direction measured along the nearside

carriageway edge, the area in advance of the sightlines being kept clear, in perpetuity, of any obstructions in excess of 1m (0.6m in the case of vegetation), measured above the adjacent carriageway channel.

- 6) The dwelling hereby approved shall not be occupied until space has been laid out within the site for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) Prior to completion of works, two general purpose bird boxes shall be attached to the western aspect of the building at eaves level. Photographs of the boxes in situ shall be submitted to the local planning authority to discharge the condition. The bird boxes shall be retained thereafter.

Main Issue

2. The main issue is whether or not the proposal would accord with Policies S1, S4, HC8 and PD1 of the Derbyshire Dales Local Plan 2017 (DDLDP) which collectively seek to control the conversion and re-use of buildings for residential accommodation in the countryside and to achieve a high quality design and, if not, whether any identified conflict with the aforementioned development plan policies is outweighed by other material planning considerations.

Reasons

3. Policies S1, S4, and PD1 of the DDLDP seek, amongst other things, to focus development within or adjacent to existing communities and ensure that development does not affect the character and appearance of the area.
4. Policy S4 relates to development in the countryside and states that planning permission will be granted for, amongst other things, the conversion and re-use of buildings for residential purposes, subject to compliance with Policy HC8. This states that conversion and/or reuse of existing buildings to residential use from other uses will be permitted where four criteria are met.
5. The main parties agree that the proposal meets three of the four criteria set out within Policy HC8 and I have seen nothing that would lead me to a different conclusion. However, there is some dispute regarding criterion (b) which relates to whether the form, bulk and general design of the existing building or group of buildings make a positive contribution to the character and appearance of the area.
6. The proposal seeks to convert an existing single storey concrete frame barn into a dwelling house. The building is in good condition, well maintained and appears to be watertight. The submissions indicate that the building could be converted without significant structural alterations and I note that the Council do not dispute this.
7. The appearance and form of the building is that of a basic utility building. Nevertheless, whilst it does not necessarily enhance the character and appearance of the area, it is not harmful, is clearly functional and overall has a largely neutral effect. I have had regard to the appellant's comments in relation to the historical context of this type of building. However, whilst there may be some limited historical significance associated with this, it does not afford the building with any architectural merit or value that would contribute

- to the character and appearance of the area as per the requirements of the policy.
8. Although there is no positive contribution to local character, I do not agree with the Council that it has outlived its original purpose and should be demolished. There also appears to be no realistic likelihood of the building being demolished if the appeal is dismissed. Thus, with or without the development taking place, the building would continue to be a feature in the landscape.
 9. Furthermore, the proposed modifications are relatively minor, utilising existing openings, recovering the roof and rendering the external walls. The building sits within a yard area to the rear of the host property, there is an existing driveway, lawned area and large pond all of which afford the site and surroundings a domestic feel. Consequently, the proposed conversion would not materially alter the character and appearance of the area. In this regard, there would be no conflict with Policy PD1 which requires new development to be well designed and socially integrated.
 10. In conclusion, as the building does not make a positive contribution to the character and appearance of the area, there would be some conflict with criterion b) of Policy H8 of the DDLP and in turn Policies S1 and S4, the aims of which are set out above.

Other Matters and Planning Balance

11. I have identified conflict with the development plan in the context of Policy HC8 (b) because the existing building does not make a positive contribution to the character and appearance of the area. There would also be some consequential conflict with Policies S1 and S4 as a result of the development being outside defined settlement boundaries.
12. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this therefore weighs against allowing the proposal. In considering the weight given to the conflict with the plan I have had regard to the consistency with most elements of Policy HC8 and the likely lack of harm resulting from the building's retention.
13. However, in this case there are a number of identified material considerations which outweigh the aforementioned conflict. In particular, I find that the provision of a new dwelling and the beneficial re-use of an existing building would have social, economic and environmental benefits that weigh in favour of the proposal. This would also be consistent with part of Policy S1, which seeks to achieve sustainable development by, amongst other things, making efficient and effective use of previously developed land and buildings. Additionally, the proposal would not result in any harm to the character and appearance of the countryside. In my view, these factors amount to significant material considerations in favour of the development.
14. I acknowledge that the site is outside of the village development limits and that there are limited services and facilities within the immediate area. There are limited bus services from the road end and a primary school approximately 1 mile north east of the site. The site sits on the end of a row of four properties, is well related to existing buildings and is within relatively close proximity to the surrounding villages. In my view, this would not constitute 'isolated' development in the context of Paragraph 79 of the National Planning

Policy Framework. Furthermore, the proposed dwelling would make a positive, albeit minor contribution towards supporting local facilities and services in the surrounding villages.

15. On balance, I therefore consider that in the circumstances of this particular case, the benefits of providing a new rural dwelling, within an existing building would outweigh the partial conflict with Policy HC8 and consequential conflict with policies S1 and S4 of the DDLP. As such, there are material considerations that would lead me to a decision other than in accordance with the development plan in this case.

Conditions

16. The conditions set out above are based on those suggested by the Council. Where necessary I have amended their wording, in the interests of precision and clarity and in order to comply with advice in the Planning Practice Guidance (PPG).
17. In the interests of clarity and certainty I have imposed the standard time limit in which the development should be commenced and a condition specifying the approved plans. In the interests of character and appearance, I have also imposed a condition in relation to the submission of materials. It is necessary to make this a pre-commencement condition in order to ensure the development is carried out in accordance with the approved details. This has been agreed in writing with the appellant.
18. In relation to the removal of permitted development rights, the PPG is clear that conditions restricting permitted development rights will rarely pass the test of necessity. However, in order to protect the character and appearance of the countryside location acknowledging the scope for alterations and extensions given the size of the curtilage, I consider it reasonable to ensure that any future changes, including for the erection of any curtilage buildings, new or replacement boundary walls, gates and fences are subject to the control of the local planning authority.
19. In the interests of highway safety, I have imposed a condition to ensure that appropriate parking space is provided on site and another to ensure that the required visibility splays are maintained.
20. Finally, in accordance with para 170 of the Framework which requires planning policies and decisions to provide net gains to biodiversity, I have imposed a condition requiring the installation of bird boxes.

Conclusion

21. For the reasons set out above and taking into account all other matters, the appeal should be allowed.

Julie Hunter

INSPECTOR