



Appeal Decision

Site visit made on 17 September 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/T3725/W/19/3228147

Valley Farm, Valley Lane, Lapworth, B94 6HB

- 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 Annette Bucknall against the decision of Warwick District Council.
 - The application Ref W/18/2324, dated 29 October 2018, was refused by notice dated 9 April 2019.
 - The development proposed is described as 'Alterations and conversion of existing brick and tile barn/stables to residential dwelling with associated access and parking'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal property is in the Green Belt. The Council has concluded that the development would not be inappropriate development in the Green Belt, and I have nothing before me that would lead me to draw a different conclusion on this matter.
4. The main issue is therefore whether the appeal site is in a suitable location for a new dwelling.

Reasons for Recommendation

5. The appeal property is one of a small group of outbuildings, in a yard situated next to a dwelling house, which is accessed via a network of narrow lanes. The surrounding area is a patchwork of open countryside with a number of scattered dwellings. The settlement of Lapworth is located some distance away. There is no dispute that the appeal property is not within a village envelope. For planning policy purposes, it is located within the open countryside.
6. Policy H1 of the Warwick District Local Plan 2017 (Local Plan 2017) sets out the circumstances where housing development will be permitted in the District. Within the open countryside, the policy establishes at criteria e) that housing development will be permitted in a number of circumstances. The proposal

does not comply with any of the circumstances set out within this policy (criteria a) – d)) nor does it comply any of the circumstances set out under criteria e), including that related to the re-use of buildings, because the building is not redundant or disused, as confirmed on my site visit and by the appellant.

7. I note the appellant's contention that the proposal would enhance the immediate setting of the building, a point disputed by the Council. Regardless, as the building does not comply with the first part of criteria e) iv, it is not necessary to consider whether or not the proposal may lead to an enhancement to the immediate setting. Nor, for the same reason is it necessary to consider whether the proposal accords with Policy BE4 of the Local Plan 2017.
8. Although it is noted that consent has been granted for alternative stabling and that other barns/stables near the appeal property are said to be in a poor state of repair, these matters have little bearing on the current status of appeal property which clearly has an existing use.
9. In summary, there are no circumstances in this case which justify a new dwelling in this location. The proposal is contrary to Policy H1 of the Local Plan 2017 which seeks to prevent new housing within the open countryside unless certain circumstances apply, which in this case they do not.
10. The appeal decision¹ referred to by the appellant whilst having some similarities to the proposal before me, relates to the proposed re-use of a building which was redundant. As such this case is not directly comparable to the appeal proposal before me. It has limited weight in my consideration of this case, which I have considered on its merits.
11. The suggested condition to ensure that occupancy of the proposed dwelling is limited to being ancillary to the main house would not address the issues outlined above, or the conflict with the development plan.

Conclusion and Recommendation

12. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR

¹ Ref APP/T3725/W/18/3204099