



Appeal Decision

Hearing Held on 17 September 2019

Site visit made on 17 September 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/J0405/W/19/3224974

Old Dairy Farm House, Mill Lane, Stoke Hammond MK17 9BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Rosemary Wiggins against Aylesbury Vale District Council.
 - The application Ref 18/02634/APP, is dated 25 July 2018.
 - The development proposed is retention of two flats.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. It was confirmed at the hearing that the site address should refer to 'Mill Lane' instead of 'Orchard Mill Lane' as stated on the application form. I have amended the site address above to reflect this.
3. I have also removed the word 'retrospective' from the description of the development above as this does not describe the act of development.
4. Following the submission of the application that led to this appeal there have been revisions to the National Planning Policy Framework (the Framework) contained in the new version published in February 2019. The parties have had the opportunity to submit comments on the relevance of the 2019 Framework to this case. I have taken the 2019 Framework into account in my decision.
5. The draft Vale of Aylesbury District Local Plan is referred to in the appeal submissions. I understand that this has progressed through the examination stage and that modifications have been submitted. I am not presented with details of these draft policies. Nevertheless, at the hearing it was agreed that the policies of the Aylesbury Vale District Local Plan 2004 (AVDLP) are the most important for determining this application.
6. It is put to me that Policies GP35 and RA11 of the AVDLP are relevant and the most important for determining the application. It is also agreed by the main parties that policy GP35 and the relevant part of policy RA11 are broadly consistent with the Framework. Based on the evidence before me I agree that this is the case. At the hearing the Council stated that it could demonstrate at least 5 years housing land supply. This was not disputed by the appellant. I have considered the appeal on this basis.

7. The fact that development has been carried out is not in dispute. For the avoidance of doubt, the fact that development has occurred has had no bearing on my decision.

Main Issues

8. The main issues are:

- The suitability of the site for housing with particular reference to the character and appearance of the area.
- The quality of living conditions for future occupiers with particular reference to the size of the units and the quality of the private amenity space.

Reasons

Character and Appearance

9. Policy GP35 of the AVDLP relates to the design of proposed developments and includes the requirement to respect and complement the physical characteristics of the site and the surroundings. Policy RA11 of the AVDLP sets criteria for the conversion of buildings outside the built up area of settlements. These criteria include that 'conversion works should not involve major reconstruction or significant extension and should respect the character of the building and its setting'.
10. This appeal assesses the act of development which in this case is the change of use and associated works to create two flats (even though, as stated above, this has already occurred). Therefore the consideration of the significance of the extension or reconstruction for which planning permission is sought should be assessed against the situation prior to the act of development taking place.
11. The appeal site is in a rural area surrounded by pastoral land, and including the river Ouzel and the Grand Union Canal. The surrounding open generally undeveloped land contributes to the attractive countryside setting of the site.
12. The farmhouse is a two storey mainly brick built dwelling. There is also a caravan site and campsite within the land associated with the Old Dairy Farm accessed via the same driveway, although it is outside the appeal site. The farmhouse is adjoined by a single storey L shaped structure, which appears to be used in part in association with the farmhouse, partly as the shower/toilet block for the campsite and partly as the two flats for which planning permission is now sought. The site and this adjoining land includes boundary fences and hedging.
13. It is put to me that when the building was purchased in 1986 it was in a very poor state of repair. I understand that there was a structure on a similar footprint to the two flats and that the works required for conversion included reroofing, reflooring, inserting doors and windows and repointing the walls along with internal alterations including subdivision. However I have very limited substantive evidence relating to the size and structure of the building prior to the works of conversion. Therefore, based on the evidence before me I am not satisfied that the appeal scheme does not represent major reconstruction.
14. The works of reconstruction and the new residential uses have resulted in a more intensive domestic use at the appeal site. The number of dwellings has

tripled on land which was previously associated with a single house. This represents an increased urban use of the site which serves to undermine the predominant rural character of this site and the surroundings. There is no dispute in relation to the detailed appearance of the proposals, nevertheless the extent of the works described and the multiplication of residential uses within this site are harmful to the character of the undeveloped open countryside land which surrounds.

15. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) includes an indication of building operations which may be reasonably necessary to convert an agricultural building to a dwellinghouse. However, this appeal relates to an application for planning permission and as such is considered against the development plan not the GPDO.
16. For the reasons above, the proposed development is not a suitable site for housing with particular reference to the character and appearance of the area. Consequently it is contrary to policies RA11 and GP35 of the AVDLP the aims of which are set out above, and to the advice in 'Design Guide 2 The Conversion of Traditional Farm Buildings' which provides guidance to explain the limitations of acceptable change for such works.
17. Paragraph 79 of the Framework is referred to in the Council's reason for refusal. However, both main parties agree that the site is not isolated in terms of the Framework. As such the policies above are more relevant to the determination of this case.

Living Conditions

18. The nationally described space standards (NDSS) set out that a 1 person, 1 bedroom unit with a shower room should have a minimum gross internal floor area of 37sqm. However, I understand that the AVDLP does not include similar requirements. I am not provided with any development plan policy or other standards relating to requirements for outdoor space.
19. At the hearing it was stated that the internal floor area of Unit A is 34.5sqm and Unit B is 33.4 sqm. Notwithstanding that the flats are smaller than the NDSS, I observed that both units included sufficient space for day to day living for a single person including space for furniture and storage.
20. It is put to me that these flats are furnished lets and that this arrangement would continue as they would not be sold off separately. Whilst I appreciate that there is currently no intention to sell the units, I am not presented with any mechanism to secure that these units would only be let in a furnished state by any possible future owners. As such the exception that furnished layouts do not need to demonstrate compliance with the NDSS would not apply.
21. The outdoor space for Unit B is somewhat limited in size (11.5sqm). However, it is an enclosed private area which would provide external space acceptable for the day to day needs of the single occupant of this unit. The amenity space for Unit A is reasonably sized (approximately 39sqm). It is accessed by crossing a driveway (used by the 2 flats) and this arrangement does not prevent its use. The space is overlooked by those on the campsite and using the driveway. Nonetheless the space provides usable, outdoor space for the occupant of unit A.

22. I have considered that there is no conflict with the development plan in these respects and based on the considerations above I am satisfied that the units are adequately sized and that acceptable outdoor space is provided for future occupiers.
23. Any harm to the character and appearance of the area which may result from any enclosure to this the outdoor space for Units A (such as fencing) could be controlled by condition. However, given my overall conclusion on this appeal it is not necessary for me to investigate this matter further in this case.
24. Consequently the appeal scheme provides adequate living conditions for future occupiers with particular reference to the size of the units and the quality of the private amenity space and would not be contrary to development plan policies in this respect.

Other Matters

25. Evidence has been submitted to demonstrate the use of the flats since March/April 2015 although I have not been provided with a certificate of lawfulness for an existing use. This appeal deals solely with an application for planning permission and it is not my role to conduct an exercise as to lawful use or operation. Considering the evidence before me I am not persuaded that such a certificate would necessarily be likely to be granted and therefore I afford limited weight to this fallback position.
26. The provision of two units of accommodation contributes to local housing stock and two additional residents on site provide increased security for the appellant and the site. I have no reason to dispute that the small size of these units means that they are relatively affordable, that they are well maintained, that (other than the matters identified above) there are no concerns in relation to the quality of the accommodation, nor that the diversification of the site is necessary to sustain the Old Dairy Farm.
27. However, due to the scale of the development (two dwellings) these benefits are limited in their scale. Nor do they outweigh the harm to the character and appearance of the area which is a long term public harm, contrary to the development plan.
28. The absence or otherwise of building control approval is not a consideration to which I attribute any degree of weight.
29. I have noted the appellant's concerns regarding the Council's handling of the planning application, however, that does not alter my assessment of the planning merits of the proposal.

Conclusion

30. Whilst I do not find harm in relation to living conditions the lack of harm in this respect is a neutral factor and therefore would not outweigh the harm to the character and appearance of the area identified above.
31. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Laurence Wilbraham Dip TP MRTPI	Agent
Rosemary Wiggins	Appellant
James Wiggins	Appellant's relative

FOR THE LOCAL PLANNING AUTHORITY

Daniel Ray	Aylesbury Vale District Council – Associate Planner
Michael Davey	Aylesbury Vale District Council – Senior Planner