



Appeal Decision

Site visit made on 16 July 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/Y3425/W/19/3228798

Agricultural Building, Bridge Lane, Stowe by Chartley

- 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 James Brown against the decision of Stafford Borough Council.
 - The application Ref 18/29636/COU, dated 15 November 2018, was refused by notice dated 29 April 2019.
 - The development proposed is the change of use of an agricultural building to a dwelling (revised scheme).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal building is an agricultural barn of a relatively modern construction. It is set within a field which lies off a rural lane, and clear views of the site are available through the field gateway and from the adjacent elevated highway, despite the prevalence of roadside hedgerow in the vicinity.
4. Whilst there is no indication that the surrounding landscape has any formal protection, the barn has an attractive backdrop of open rural parkland, within which built form is only minimally visible. Notwithstanding the barn's somewhat dilapidated appearance, it has a neutral effect on its surroundings and it is unobtrusive within views of the rural landscape. This is due to its evident agricultural purpose and its muted colours and lack of significant glazing.
5. Prior approval for a change of use of the building to a dwelling under Class Q of the General Permitted Development Order 2015 was granted by the Council in a decision¹ of April 2018. As such, this approval is extant and capable of being implemented. I am not aware of any impediments to its implementation and thus I consider that there is a greater than theoretical possibility that the fallback development might take place.

¹ Local Planning Authority Ref: 18/27820/PAR

6. The extant approval provides for the retention of the building's corrugated sheeting and concrete blockwork, together with the insertion of fenestration and some larger glazed panels. Whilst some of the glazed panels would be present on the front elevation of the approved proposal and hence would be highly visible from the highway, they would replace areas of metal sheeting currently used as doors. Thus, they would be in keeping with the original design of the building.
7. The appeal scheme proposes the use of timber or metal cladding which would be visible instead of the sheeting and blockwork. This would have a more contemporary and domestic appearance than the approved use of the existing materials, which would retain the agricultural appearance of the building by a greater degree.
8. Further proposed works include the alteration of fenestration to the front and side elevations which are visible from the highway, including the use of additional substantial glazed panels. These would have a commercial and urbanising effect which would be incongruous within their highly rural setting.
9. Furthermore, whilst such agricultural buildings often feature full height openings, these are generally limited. The extant approval scheme includes less full height glazing than that proposed, and it would therefore resemble an agricultural barn to a greater extent than the appeal proposal.
10. Thus, I conclude that the effect of the fallback position on the character and appearance of the area would be less harmful than that of the appeal proposal. Therefore the fallback does not provide justification for a grant of permission for the appeal proposal.
11. My attention has been drawn to a judgment² which concerned a proposal for which a fallback position was found to exist. However, I note that the Council concerned considered that the fallback scheme would be to the visual detriment of the site concerned. I have not identified such harm in the case of the fallback position for the appeal proposal, and thus the circumstances of the judgment concerned are materially different, such that I attach only limited weight to its relevance in determining the appeal.
12. Policy E2 of the Plan for Stafford Borough (2014) ("the PSB") discourages the conversion of rural buildings unless they are structurally sound and capable of conversion without significant alteration or rebuilding works. This supports the aims of the policy with regard to design in rural areas.
13. A survey of the building was completed in January 2017 to accompany the prior approval application. It concluded that the property was a reasonable proposition for conversion to a dwelling. There is no significant evidence to the contrary and thus the proposal complies with the requirements of the policy in respect of structural soundness.
14. However, the appeal entails works which include the replacement of roof cladding, the use of extensive new timber cladding to the walls and the removal of substantial sections of the structure to accommodate the glazed panels. The totality of the proposed alterations would result in a building with a considerably altered and contemporary appearance which, as set out above,

² Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314

would be less responsive to its agricultural origins than the extant approval scheme.

15. Thus, the proposal would result in significant alterations to the building and would have an unacceptably harmful effect on the character and appearance of the area. It would therefore conflict with Policy E2 of the PSB, which states that the design of rural buildings should be in keeping with their surroundings and that conversions should not include significant alteration or rebuilding works.

Other Matters

16. The appeal site lies near to the Cannock Chase Special Area of Conservation ("SAC"), which is a European site. The appeal site already has an extant approval for the conversion of the building to a dwelling. Therefore it would not result in an overall increase in the number of dwellings approved within the SAC catchment area. Furthermore, Natural England, the government's advisor on such matters, has been consulted and has raised no objection to the proposal. Thus, in view of these considerations and my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary for me to consider this matter any further in this case.
17. I have had regard to other matters raised including concerns about highway safety and the capacity of local services. However, as I am dismissing the appeal on the main issue for the reasons given above, I have not pursued these matters further.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR