



Appeal Decision

Site visit made on 16 July 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/W0530/W/19/3227130

Brickyard Farm, Lower Road, Croydon SG8 0HA

- 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 Colin Dolby against the decision of South Cambridgeshire District Council.
 - The application Ref S/0601/19/FL, dated 8 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is the change of use of redundant building to a dwelling to include associated operational development and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of redundant building to a dwelling to include associated operational development and landscaping at Brickyard Farm, Lower Road, Croydon SG8 0HA in accordance with the terms of the application, Ref S/0601/19/FL, dated 8 February 2019, subject to the conditions set out in the schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Colin Dolby against South Cambridgeshire District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are whether or not (i) the site is an appropriate location for residential development having regard to national and local policy for the delivery of housing; and (ii) the building is suitable for employment uses.

Reasons

Whether the site is an appropriate location for residential development

4. Policy S/7 of the South Cambridgeshire Local Plan (adopted September 2018) (the SCLP) sets out the strategic context for directing the location of residential development in the district. The policy seeks to restrict development outside defined boundaries other than in particular circumstances specified or supported elsewhere in the plan. Whilst the proposal conflicts with Policy S/7 of the Local Plan in that it is outside of the identified development frameworks, Policy H/17 deals with the reuse of rural buildings in the countryside for residential use. I consider Policy H/17 to be the principal policy in relation to

the consideration of this proposal and I give greater weight to it in determining this appeal.

5. I have considered the suitability of the building for employment uses below, but it is first necessary to consider whether the site is an appropriate location for residential development. The appeal site is located outside of the defined development limits of Croydon village and is therefore in the countryside in policy terms. There are no close neighbours other than the existing dwelling at Brickyard Farm a short distance from the appeal site, and as such a dwelling in this location would normally be considered as isolated. The appeal proposal is for the change of use of an existing building, and therefore it is already present in the landscape. As the building is in existence and proposed to be converted, it would not result in a further intrusion into the open countryside.
6. The building is of substantial construction and not a temporary structure. As such, a structural survey has been carried out as part of the original determination which demonstrates that the buildings are in a satisfactory condition structurally and capable of conversion. The conversion of the buildings would bring about an enhancement to their immediate setting by bringing the building back into use, and the design is suitably sympathetic to the existing building. The removal of later unsympathetic corrugated extensions further supports the enhancement of the setting.
7. The site is accessed from Brickyard Farm onto Lower Road. The Local Highway Authority has indicated that in order to ensure that safe vehicular access for two cars to pass at the entrance, an appropriate width access point to the highway is required and suggest this can be secured through a condition. I have considered the necessity for this condition in the section below, and the imposition of such a condition fulfils the requirement of H/17(e).
8. The building is considered structurally sound and once converted would secure a suitably sympathetic scheme that would enhance the immediate setting of the building which is currently in a poor state of repair. Safe vehicular access can be provided which can be secured via a suitable condition.
9. Paragraph 79 of the National Planning Policy Framework seeks to avoid the development of isolated homes in the countryside other than exceptionally, subject to development meeting at least one of five criteria. Whilst the development would result in an isolated dwelling, the exceptional requirement set out at paragraph 79(c) of the Framework would be met in that the development would re-use a disused building.
10. In light of the above, I conclude that the proposal would be in an appropriate location for housing. As such, it would comply with criteria b) to e) of Policy H/17 which seeks to ensure that the building is appropriate for residential use. It would also comply with the Framework as it would reuse a disused building.

Suitability of the building for employment uses

11. The appeal site is comprised of a disused agricultural building of approximately single storey height, predominantly constructed from brick with a corrugated roof with a number of traditional stable door openings. The original building has likely been added to over time over time with smaller buildings, but it is viewed as a single building. There are further later extensions made from similar corrugated material as the roof. To the north of the buildings is an area of

grass paddocks that have been divided into separate parcels associated with former use for kennels. To the rear, there is a concrete pad and a more recent building used for stabling. Beyond the appeal site there are further open grassed paddocks allowing wider views from the site into the surrounding agricultural land. The site shares its access with Brickyard Farm which runs passed the appellants property.

12. Policy H/17 of the SCLP states that the conversion of rural buildings will only be permitted if a series of criteria are met. Criterion a) states this will only be permitted where the buildings are unsuitable for employment use or there is no demand for such demonstrated through a marketing period. The policy does not require both elements of the criterion to be complied with, and as such, if the buildings are unsuitable for employment use then no marketing would be required. The Council considered that lower value employment uses could be undertaken from the buildings beyond those considered including storage and distribution and reuse for dog kennels (a previous use of the site). An assessment has been undertaken on behalf of the appellant to establish the suitability of converting the building to a range of employment uses, including those which fall within Class B of the Use Classes Order¹, as amended. The assessment also considers the building's suitability for a range of other alternative use classes and the updated assessment submitted with this appeal considers the reuse for kennels.
13. The assessment considered the cost of conversion of the buildings to a suitable standard when set against potential rental income values for each one, and where appropriate, a consideration of whether such an employment use has any reasonable prospect of coming forward. The buildings are of relatively low ridge height with stable door openings, and internally, there are low wooden roof trusses which limit the space available within the buildings. The size and structure of the buildings is such that I consider the buildings would require significant improvements and intervention in order to create sufficiently useable space for employment purposes. The nature of the buildings severely limits their potential reuse for storage and distribution, and whilst other uses has been considered, these would be uneconomic for conversion due to the costs involved.
14. The evidence also indicates that there is unlikely to be any demand for use as kennels beyond the appellant, and there is no suggestion they intend to reintroduce such. There is a narrow range of uses these buildings could be used for, and I consider that the testing of a wide range of employment uses provided by the appellant to be proportionate. Therefore, having regard to the nature and condition of the buildings on site, I find the evidence submitted to be robust and sufficiently comprehensive as having demonstrated that the buildings are unsuitable for employment uses. I consider that having regard to the size and nature of the buildings and their historic evolution from small linked storage buildings, I consider them to have very limited scope for economic purposes to render them unsuitable for employment use.
15. For these reasons, I conclude that the building is not suitable for employment use. It would therefore comply with Criterion a) of Policy H/17 of the SCLP which indicates that the reuse of buildings in the countryside for residential use will only be permitted where the buildings are unsuitable for employment use.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended).

Planning balance

16. Whilst the proposal conflicts with Policy S/7 of the Local Plan, for the reasons set out above I consider it does comply with the exceptional requirements of Policy H/17. The proposal also accords with the exceptional requirements of paragraph 79 of the Framework, and I afford significant weight to it in this regard. I therefore conclude that any conflict with the Local Plan would be outweighed by the benefits associated with making use of the disused building.

Conditions

17. The Council has suggested a number of conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed them where I consider them to meet the tests, amending them where necessary for the sake of clarity and precision.
18. In addition to the standard time limit, in the interests of certainty I have imposed a condition specifying that the development is carried out in accordance with the submitted plans.
19. In the interests of securing the sustainable construction of the scheme through measures that will form part of the building's fabric, I consider an energy efficiency and water efficiency condition to be necessary. However, in relation to the Council's proposed energy efficiency condition, this seeks to restrict development above slab level until the required scheme has been submitted and approved. I consider this condition as suggested to be unreasonable as the scheme is for the change of use of an existing building. Therefore, I have amended the wording to require compliance with the condition for the information to be submitted to and approved by the Local Planning Authority not later than 3 months following the commencement of development.
20. In light of the fact this proposal is for a single dwelling in a rural location, no evidence has been submitted to suggest the Council's suggested condition requiring Wi-Fi and suitable ducting to the public highway that can accommodate fibre optic cabling or other emerging technology could be complied with in this location. Whilst this may be desirable for the development to be provided with Wi-Fi and broadband, it is not essential to make this development acceptable in planning terms. As such, it is not imposed.
21. In the interests of ensuring highway safety I have imposed condition to secure an access of sufficient width.
22. In order to prevent harm to protected species and enhance biodiversity I have imposed conditions to ensure that the recommendations of the Protected Species report are implemented in a timely fashion.
23. Although not included specifically in the Council's suggested conditions, further conditions have been referred to in other correspondence which seek to secure details of foul and surface water drainage. This condition is necessary in order to make provision for disposal of foul water and reduce flood risk. The Council's suggested wording requested this is agreed prior to commencement and this has been agreed by the appellant in writing.
24. In order to protect human health a condition to address investigation and remediation of any unexpected contamination is justified. Consequently, I have

imposed a pre-commencement condition with the written agreement of the appellant.

Conclusion

25. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

P Mileham

INSPECTOR

Schedule of 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: 8-575/2/01/A; 08-575/2/02; 08-575/2/03; 18-575/2/04; 18-575/2/05; 18-575/2/06; 18-575/2/10/B; 18-575/2/11/A; 18-575/2/12; 18-575/2/13; 18-575/2/14; U721/200;
- 3) Not later than 3 months following the commencement of development, a renewable energy statement must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and thereafter retained.
- 4) The dwelling hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
- 5) The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.
- 6) All ecological measures and/or works shall be carried out in accordance with the details contained in the Protected Species Report (Applied Ecology Ltd, October 2018).
- 7) Not later than 3 months following the commencement of development, a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The approved scheme shall be fully implemented within an agreed timescale and thereafter retained.
- 8) Prior to the commencement of development, a scheme for the disposals of surface water and foul water that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the local planning authority. The approved scheme shall be fully implemented within an agreed timescale.
- 9) No Development shall commence until:
 - a) The application site has been subject to a detailed desk study, including site walkover and preliminary Conceptual Site Model, to be submitted to and approved by the Local Planning Authority.

- b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
- c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- e) If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

End of schedule