



Appeal Decision

Site visit made on 28 October 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/K0425/C/19/3227783

Land at 'Farmpiece' (also known as 'Farm Piece'), North Mill Road, Bledlow, Buckinghamshire HP27 9QP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Beki Austin against an enforcement notice issued by Wycombe District Council.
 - The enforcement notice was issued on 12 March 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the carrying out of development comprising: (1) the material change of use of the land from agricultural use to a mixed use made up of agricultural use, residential use, and general storage use, and (2) the conversion of a barn to create a single dwellinghouse (shown edged green on the attached plan).
 - The requirements of the notice are: 1. Cease the use of the Land for residential use and general storage purposes; 2. Remove all items from the Land associated with the unauthorised residential use, including the items contained in the buildings outlined in green, blue and pink on the attached plan; 3. Remove from the Land all items associated with the unauthorised general storage use, including all items stored in the building outlined in blue on the attached plan which are not associated with the agricultural use; 4. Restore the building outlined in green on the attached plan to its original state as an agricultural barn (as illustrated in the plans approved under permission 96/05835/FUL, copy attached hereto) as it existed before the residential conversion took place, including the removal of the external front wall, the timber deck and railing, all windows and doors in the east side elevation and restoration of the timber wall, all internal walls, and all kitchen and bathroom facilities and fittings; 5. Remove from the Land the shed outlined in pink on the attached plan; and 6. Remove all materials and debris resulting from carrying out steps 4 and 5 of the Notice from the Land.
 - The period for compliance with the requirements is twelve months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

2. Since the issue of the enforcement notice the Council has adopted the Wycombe District Local Plan (the LP) which has replaced the previous development plans for the area. As the enforcement notice also cited relevant emerging policies from the LP, I consequently do not consider that any injustice

to the parties would arise and so have determined the appeal solely in relation to this development plan.

Main Issues

3. The main issues are:

- i. whether or not the site is in a suitable location for a residential use and/or general storage use, having regard to local and national planning policy; and,
- ii. the effect of the developments on the character and appearance of the area.

Reasons

4. The site is situated in rural countryside beyond the Green Belt which, in the immediate area, consists of sporadic residential development. The developments enforced against relate to the conversion of a barn to a dwelling, described as a sheep building when planning permission was granted in 1996, as well as a residential use, including summer house, and general storage use of surrounding land. The conversion of the barn is said to provide modest residential accommodation, albeit containing 3 bedrooms.

Location

5. The site is located north of the village of Bledlow and is approximately 1.5 miles from Princes Risborough. For the purposes of the LP the site is located in the countryside as it is outside of a defined settlement boundary. I have not been made aware that the site is allocated for housing or as a windfall site in the terms expressed by Policy DM21 of the LP. Policy CP1 of the LP seeks to deliver the vision, objectives and principles for the main places in the District and thereby deliver sustainable development. The Council's approach to residential development within the District is consistent with the housing approach set out in the National Planning Policy Framework (the Framework).
6. In order to promote sustainable development in rural areas, housing should therefore be located where it will enhance or maintain the vitality and sustainability of rural communities. Whilst the appellant is an economically active resident, this is not unique, and the occupations or activities that have been detailed, breeding dogs and a gardener, do not in themselves explicitly require a countryside location. There is therefore little substantive evidence before me pertaining to the appellants particular circumstances which supports a prosperous rural economy to any greater degree than might otherwise be expected.
7. Furthermore, the site is remote from many day-to-day services and facilities and occupiers would be heavily reliant upon a private car as the nearby roads are narrow and unlit. There is also little evidence about employment opportunities that could be accessed without being reliant upon a private car. It is therefore not a location where a new dwelling would normally be considered acceptable and is a significant factor weighing against its retention.
8. It is therefore in an unsuitable location. Given the sites location in the countryside, there is little from the appellants, aside from the need to maintain the land, to indicate that the dwelling is required for agricultural or rural

workers. Whilst the appellant appears to contend the dwelling would accord with paragraph 79.c) of the Framework, I am not satisfied on the evidence before me that the development resulted in the re-use of a redundant or disused building.

9. Policy DM45 of the LP also permits the conversion of existing buildings in the Green Belt and other rural areas. However, whilst I accept the building itself is structurally sound, I have little evidence, other than a brief assertion, that the existing foundations, floors, walls and roof of the building, prior to its conversion, were of sound and permanent construction suitable for the proposed use. It appears to me that the original sheep building was a modest structure that was open fronted, with the remaining elevations timber boarded. Whilst works may have been undertaken in the intervening period, prior to the conversion, it still was a light-weight structure and it appeared to me, during my site visit, that substantial works had taken place to provide for what has been described as a modest conversion.
10. For the same locational reasons, I am not persuaded on the evidence before me that the site is in a suitable location for a general storage use or that there are special circumstances that would justify permitting storage in this location.
11. I conclude the site is not in a suitable location for a residential use and/or general storage use having regard to local and national planning policy. The developments therefore conflict with Policies CP1, DM21 and DM45 of the LP as well as the Framework, which, in particular, seeks to locate new residential development in the most accessible and sustainable locations.

Character and appearance

12. The conversion of a substantial part of the barn to a dwelling has resulted in a building of makeshift appearance. Whilst it retains its appearance to the rear, and with it onto North Mill Road, it is otherwise poorly fenestrated and sits awkwardly alongside the remainder of the barn and within its immediate rural setting. It also does not possess the general design qualities or articulation one might expect of a dwelling, given the origins of the building and nature of its conversion. The use of the building is also emphasised by the external decking as well as the residential use and domestic accoutrements and paraphernalia surrounding. It therefore results in the domestication of the countryside.
13. The design of dwelling therefore does not maintain the appearance of the agricultural barn and is not in keeping. I am not persuaded that the conversion does anything to enhance its immediate setting.
14. Whilst the summerhouse is in a similar style to the converted barn, in my view this does not assist the case of the appellant. It is a garden building which is thus a wholly residential feature, that fails to respect the rural character of the area. It is also not sensitively located as it is some distance from the dwelling. Whilst I note the appellant has suggested areas to contain the developments, such as a curtilage for the dwelling, which could be controlled and landscaping secured by planning conditions, this would not ameliorate the introduction and encroachment of the residential use into this countryside location.
15. Whilst I appreciate the appellant has made effort to tidy the site, it remains that a general storage use would not be appropriate to this rural site and does not deliver a distinctive high-quality sense of place.

16. The appearance of the dwelling as well as the residential and general storage use therefore represents undesirable forms of development encroaching into the surrounding countryside, which does not improve the character of the area.
17. I conclude that the developments are harmful to the character and appearance of the area and so contravenes Policies CP9 and DM35 of the LP. These policies, amongst other things, require development to achieve a high quality of design, deliver a distinctive high-quality sense of place and improve the character of the area.

Other Considerations

18. The appellant contends that there is a realistic fallback position as permitted development rights, under Class Q of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), could be utilised to convert the barn to a dwelling, and this would not consider matters such as the sustainability of the location. However, the site has not been solely in agricultural use. The barn would be open fronted and is of light-weight construction and I am not satisfied on the evidence before me that it would be suitable for conversion to a residential use, in the terms expressed under Class Q - as amplified in National Planning Practice Guidance¹. I therefore do not find this a realistic fallback position.
19. My attention has been drawn to a planning permission at the 'Ostrich Hospital' for the change of use to a dwelling. However, it would appear that the building concerned was considered to be of permanent and substantial construction and could have been converted without being substantially rebuilt.
20. I accept that the developments provide for good levels of amenity space, there is only limited evidence concerning highways impacts, that there is a low probability of flooding and no discernible impacts to neighbours or upon ecology. It would also act as a deterrent against crime. However, these are either neutral factors or not sufficient in themselves to set aside the policy conflict and harm identified.

Planning balance

21. The Government is seeking to significantly boost the supply of housing and the proposal would make a contribution, albeit modest, to this supply. However, the development of a single dwelling would bring only very limited benefits to the economic and social well-being of the local community.
22. I have found that the proposal does not represent a suitable location for a residential or general storage use and is harmful to the character and appearance of the area. There are no other considerations that outweigh these harms.

Conclusion

23. For these reasons and having regard to all other relevant matters raised, I conclude that the appeal on ground (a) fails.

¹ Paragraph: 105 Reference ID: 13-105-20180615

Formal Decision

24. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR