
Appeal Decision

Site visit made on 5 November 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2019

Appeal Ref: APP/H1033/W/19/3231073

Barn adjacent Ivy Cottage, Unnamed road from Stubbins Lane to Tithe Barn Farm, Chinley, High Peak SK23 6ED

- 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 & Mrs Rofer against the decision of High Peak Borough Council.
 - The application Ref HPK/2017/0476, dated 22 August 2017, was refused by notice dated 9 April 2019.
 - The development proposed is to convert an existing (disused) agricultural barn into a single dwelling, including parking and private garden space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) Whether the proposal would be inappropriate development in the Green Belt;
 - 2) Whether the proposal would provide a satisfactory standard of living conditions for future occupants, with particular regard to first floor ceiling heights and outlook.

Reasons

Whether the proposal is inappropriate development in the Green Belt

3. The appeal site is situated in the Green Belt. The National Planning Policy Framework (the Framework) indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Paragraph 146 identifies certain forms of development which are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Included within this list is the re-use of buildings where they are of permanent and substantial construction.
5. The appeal building is a stone barn with a mono-pitch roof. The front of the building has a large central opening with three smaller openings above and to the sides. There is a smaller, attached building to the side, which also has a

mono pitch roof and is open to the front with timber boarding above. On the other side of the barn, adjacent to Ivy Cottage, is a small stone store.

6. The building has been disused for a number of years and it is clearly now in a state of disrepair. The external walls are intact, although there is a crack visible in the rear wall of the main barn. The roof to the main sections of the barn has been replaced with corrugated metal which in some parts is missing.
7. Notwithstanding the above, the test set out in the Framework is whether the building is of permanent and substantial construction. The building is of a significant age and has been a permanent feature of the area for a long time. Whilst in need of repair and maintenance to prevent further deterioration, it is nonetheless of substantial, stone construction.
8. No structural survey has been provided to demonstrate the extent of work which would be required to convert the building. However, this is not a requirement of either the Framework or of Policy EQ3 of the High Peak Local Plan, which allows for the re-use of redundant and disused buildings for residential use where it does not have an adverse impact on the character and appearance of the countryside.
9. I consider the building to be of permanent and substantial construction for the purposes of the Framework. However, to meet the requirement of Framework paragraph 146, the proposal must also preserve openness and not conflict with the purposes of including land within the Green Belt.
10. The proposal would re-use an existing building without the need for further extensions. The new curtilage would be appropriate in scale relative to the barn and the existing stone boundary wall along the lane frontage would be retained. The Council has not identified any harm to openness resulting from the proposal and, as there would be no new buildings, I have no reason to disagree.
11. I conclude on this issue that the proposal does not constitute inappropriate development in the Green Belt. It complies with section 13 of the Framework and Policies EQ 3 and EQ 4 of the High Peak Local Plan 2016 which are concerned with development in rural areas and the Green Belt.

Living conditions

12. The mono pitch roof of the barn slopes down towards the rear, so the building is higher at the front than at the back. This has resulted in lower ceiling heights in the first floor bedrooms which would be sited towards the back of the building.
13. The floor plan appears to show that the central part of the barn, above the living area, would be the full height of the building. A first floor level would be created at either side of this, accommodating two bedrooms and two bathrooms which would be reached via a corridor leading from a central circular staircase. The cross section which has been supplied by the appellant shows that the upper floor bedroom/bathroom areas would vary in height from under 1.495 metres to over 2.3 metres, with the highest floor to ceiling heights in the corridor and bathroom areas which would be at the front of the building.

14. The appellant has sought to demonstrate that the proposed scheme would meet the Technical Housing Standards¹. This requires that for new dwellings, the minimum floor to ceiling height should be 2.3 metres for at least 75% of the Gross Internal Area (GIA).
15. According to the appellant's calculations, the proposal would achieve this standard, with heights of over 2.3 metres for 77.9% of the GIA. However, the calculation appears to include areas within the bedrooms that would be less than 1.5 metres in height but are not within the storage areas. Such areas should be excluded from the calculation of GIA².
16. The calculation also includes the central full height section as being part of the GIA at both ground and first floor level. I accept that this method of calculation follows the definition of GIA within the guidance. However, by counting this central void space twice within the area which achieves a floor to ceiling height of 2.3 metres, it could be argued that an unrepresentative, and unduly optimistic, result is obtained. The void area is not usable floorspace on the first floor and an area which does not exist as floorspace should not be included in the calculations. If a first floor level had been created across the whole of the building, the floor to ceiling height in this space would be the same as for the bedrooms, which would significantly reduce the proportion of GIA which was over 2.3 metres in height.
17. Taking these factors into account I am not convinced that the proposal would meet the technical standard, but even if it were to, a significant proportion of the two bedrooms would have floor to ceiling heights of less than 1.8 metres. In the sections closest to the rear of the building the heights would be substantially lower. This would be oppressive for the occupants. Even if the proposal would meet Building Regulations, I share the Council's view that the bedroom areas would not provide a satisfactory standard of accommodation for occupants.
18. There would be no windows serving the bedrooms and natural light would come from roof lights. This is not an uncommon situation. Although a view of the surrounding countryside may be desirable, the roof lights would look out to the sky and would provide an acceptable outlook for future occupants.
19. I conclude on this issue that the proposal would not provide a satisfactory standard of living conditions for future occupants with regard to first floor ceiling heights. The proposal conflicts with Policy S1 of the High Peak Local Plan 2016 which seeks to ensure that developments provide a high standard of amenity for future occupants, and Policy H3 which requires that new housing provides flexible accommodation which has adequate internal space in accordance with the Nationally Described Space Standard.
20. Policy EQ 6 was referred to in the Council's decision notice, but this is not directly applicable to this issue and is of limited relevance to this proposal.

¹ Technical housing standards – nationally described space standard (March 2015)

² Paragraph 10f)

Conclusion

21. The proposal to re-use the building would not constitute inappropriate development in the Green Belt but this does not overcome the harm I have found in respect of living conditions. Therefore, I dismiss the appeal.

R. Morgan

INSPECTOR