
Appeal Decision

Site visit made on 14 January 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 27th January 2020

Appeal Ref: APP/R0660/W/19/3239421

Broad Oak Farm, Leek Old Road, Sutton SK11 0JA

- 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 Laura Mayall against Cheshire East Council.
 - The application Ref 19/3123M, is dated 27 June 2019.
 - The development proposed is retrospective application for the conversion of barn to dwelling.
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Decision

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

Procedural Matters

2. The Council failed to determine the application within the prescribed time limits. However, following the submission of the appeal against non-determination, the Council has clarified that had it been in a position to determine the application, it would have refused permission.
3. The application sought permission for the conversion of the barn which has been carried out already. The application plans reflect the building works that have been implemented. The plans additionally illustrate the creation of outdoor amenity space which have not been implemented in full. For the avoidance of doubt, I have therefore determined the appeal strictly on the basis of what is shown on the application drawings as opposed to what is currently present on the ground.

Main Issues

4. From the evidence before me, I consider that the main issues in this appeal are:
 - i) Whether or not the development is inappropriate development in the Green belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the development on the character and appearance of the building and the area; and
 - iii) If the development is inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
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Reasons

Whether the development is inappropriate development in the Green Belt

5. The appeal building is a former barn. It is part of a cluster of rural buildings in the countryside that includes traditional dwellings, a former farmhouse and barns. It is in the Green Belt.
6. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy PG3 of Cheshire East Local Plan Strategy 2010-2030 Adopted July 2017 (the CELPS) sets out that the construction of new buildings is inappropriate in the Green Belt subject to certain listed exceptions. Certain other forms of development are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. This approach is broadly consistent with the policies in the Framework that relate to inappropriate development in the Green Belt.
8. In this case, there are two relevant exceptions in the Framework. Paragraph 145 g) relates to the redevelopment of previously developed land (PDL) which would not have a greater impact on openness of the Green Belt than the existing development. Paragraph 146 d) relates to the re-use of buildings provided that the buildings are of permanent and substantial construction, and that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
9. Evidence submitted with the appeal refers to a structural inspection report which confirms the building was of permanent and substantial construction. However, the report has not been provided and there is uncertainty as to the extent of the works carried out to the walls and the roof of the building. Consequently, in the absence of substantive evidence in the form of the structural report, I cannot be certain that the building was of substantial construction for the purposes of paragraph 146 d) of the Framework.
10. However, both parties agree that the previous use of the site was equestrian, and the appeal site is therefore PDL for the purposes of paragraph 145 g) of the Framework. As such, the development would be not inappropriate subject to there not being a greater impact on openness of the Green Belt.
11. Paragraph 133 of the Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it includes both spatial and visual dimensions.
12. Notwithstanding the works carried out to the building, it occupies the same footprint and it appears to be the same size as the original building. The plans illustrate that the surrounding area was finished in concrete and hardcore. On that basis, there has been no significant spatial loss of openness.
13. However, the works to the building including the timber cladding and the large 2 storey feature window have resulted in the appearance of a contemporary domestic building. It does not relate well to the traditional rural agricultural surroundings. Consequently, the development is incongruous and visually obtrusive. The plans illustrate a terrace adjacent to the building, planting beds, a large lawn, palisade fencing and vehicular turning and parking areas. By

virtue of the alterations to the building and the domestic paraphernalia inevitably associated with residential use, there would be a significant visual impact resulting in a small loss of openness of the Green Belt in this location.

14. I note that the Council considers the impact on openness would not be substantial provided the domestic curtilage was limited by planning condition and permitted development rights were removed. However, in the absence of amended plans that illustrate an alternative scheme, I cannot be certain that there would be no greater loss of openness for the purposes of the Framework.
15. Therefore, I have found that the appeal development would have a greater impact on the openness of the Green Belt than the existing development. Consequently, it does not meet the exceptions set out in the Framework. It is inappropriate development that conflicts with Policy PG3 of the CELPS and the policies in the Framework that protect the Green Belt.

Character and appearance

16. The barn was constructed in brick and stone with a slate roof. It forms part of a cluster of traditional rural buildings accessed from Leek Old Road via a narrow lane. Although not readily visible from the road, the building is in an elevated position overlooking Sutton Reservoir. The surrounding undulating countryside is predominantly agricultural with fields enclosed by stone walls and hedgerows, scattered woodland and trees and sporadic development.
17. The original walls of both 2 storey gable ends of the building are no longer visible, having been replaced with vertical timber cladding. Further cladding appears on the side elevation facing the lane. The extensive use of modern cladding has resulted in a contemporary appearance that is not characteristic of the original barn or the traditional surroundings.
18. Moreover, while some original window openings have been retained, the full height window in the northern gable end is a novel feature. By virtue of its significant size, modern design and materials and timber cladding surround, the feature window is conspicuously contemporary. It does not respect, and it is not sympathetic to the original rural agricultural character of the building.
19. Consequently, the works to the building have resulted in the appearance of an overtly modern urban domestic building rather than a converted historic barn. It is an uncharacteristic form of development and it does not relate well to the cluster of traditional buildings of which it forms part. The converted building does not make a positive contribution to local distinctiveness.
20. Therefore, the development results in harm to the character and appearance of the building and the area. It conflicts with Policies SE2 and SD1 of the CELPS which require, among other things, that development contributes positively to the character and identity of the area and reinforces local distinctiveness. It also conflicts with policies in the Framework that require development to be sympathetic to local character and the surrounding built environment and landscape setting, and to maintain distinctiveness and a strong sense of place.

Other Considerations

21. The development would not be an isolated dwelling in the countryside. There would be adequate provision for parking. It would not result in harm to the living conditions of the occupiers of neighbouring residential properties. There

were no significant arboricultural or ecological concerns and matters relating to land contamination and disposal of foul water could be addressed by planning condition. However, neither compliance with the requirements of some policies in the Framework and the development plan, nor third party representations in support of the development, are additional benefits of the scheme. They do not therefore weigh in favour of the development.

22. There are no facilities or services in the immediate area. Future occupiers would therefore need to travel approximately 1.6km to Sutton and Lyme Green to access a limited range of local services, and even further to access a full range in Macclesfield. Given the rural nature of the intervening lanes and the distances involved, future occupiers would not meet their daily needs by sustainable modes of transport. The development would not reduce reliance on private car journeys. Therefore, the appeal site is not in an accessible location having regard to services and facilities. The location does not therefore carry any weight in favour of the development in my assessment.
23. I accept that the barn is no longer required for the purposes of agriculture and, in this respect, the appellant suggests that its re-use would contribute to the supply of housing and would be sustainable development. However, there is nothing before me to indicate that the Council is unable to demonstrate a 5 year housing land supply. Moreover, paragraph 11 d) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. The specific policies referred to are listed in footnote 6 and include those relating to land designated as Green Belt. Accordingly, the creation of a new dwelling in an unsuitable location is not a benefit of the scheme and the re-use of the building therefore carries only limited weight in my assessment.

Green Belt balance

24. I have concluded that the development is inappropriate development in the Green Belt and it results in a small loss of openness of the Green Belt in this location. The Framework advises that substantial weight is given to any harm to the Green Belt. The development also results in an adverse effect on the character and appearance of the building and the area.
25. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the development do not exist.

Conclusion

26. For the reasons set out above, the appeal is therefore dismissed.

Sarah Manchester

INSPECTOR