



Appeal Decision

Site visit made on 18 December 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/D0121/W/19/3231642

Stables and Tack Room, Iwood Lane, Congresbury BS40 5AA

- 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 Clinton Wedlake against the decision of North Somerset Council.
 - The application Ref 19/P/0287/FUL, dated 15 January 2019, was refused by notice dated 21 May 2019.
 - The development proposed is change of use of part of redundant stable block and hay store to residential accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the site is suitable for the residential accommodation proposed, having regard to the locational strategy of the development plan and the accessibility of the site;
 - b) The effect of the development on the character and appearance of the countryside; and,
 - c) The impact of the development on protected species

Reasons

Suitability of site for residential accommodation

3. The appeal site comprises a former stable building and surrounding land that lies in the countryside, roughly midway between the settlements of Congresbury and Wrington. It is about 1.5km away from the centres of these settlements and access to either would involve travelling down an unlit country lane with no footpaths. The site is therefore outside either settlement, in a relatively inaccessible location, where a new dwelling would be contrary to the strategy for the distribution of residential development, as set out in Policy CS14 of the North Somerset Council Core Strategy (2017) (the Core Strategy). In such a location, Policy CS33 of the Core Strategy only allows for new residential development where it comprises replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic use is inappropriate, or dwellings for essential rural workers.

4. There is an existing building on the site, part of which is in lawful use as a dwelling. Although the development is described as change of use of part of redundant stable block and hay store to residential accommodation, the proposals also involve works to convert the building, together with the addition of an extension, to create a 4-bedroomed dwelling. Apart from the two external walls at the southwestern corner of the building, little semblance of the lawful one-bedroomed dwelling would remain. The proposed development would, therefore, effectively comprise a new dwelling. However, this would not automatically render it contrary to development plan policy, as Policy CS33 allows for replacement dwellings and the residential conversion of existing buildings.
5. Policy DM44 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (2016) (the DMPSP Plan) sets out the criteria against which proposals for replacement dwellings will be assessed. One of the criteria requires that the replacement dwelling is no more than a 50% increase in the size of the dwelling it replaces. The existing dwelling on the site occupies the southern end of the building, and it has a floorspace of about 35m². The information provided on the planning application form indicates that the proposed dwelling would have a floorspace of 142m². It would therefore be about four times the size of the existing dwelling. The proposal would therefore fail to meet the requirements of Policy DM44 for a replacement dwelling.
6. Proposals for the conversion of rural buildings for residential use are permitted under Policy DM45 of the DMPSP Plan, subject to a number of criteria. I saw that the building was of concrete block construction, and that all the exterior walls were standing. It had a concrete tiled roof that was in good structural condition. Consequently, it appears that the building is capable of conversion without major or complete reconstruction. The building has no architectural or historic significance and its conversion would not adversely impact on the living conditions of any nearby occupiers, or the operation of working farms. As there is already a dwelling on the site, the proposals would not introduce a new dwelling into a location that is remote from settlements, where services and facilities can be obtained. In these respects, the proposal complies with Policy DM45.
7. However, the proposal involves an extension to the building, which would increase its floorspace by approximately 50%. The existing building has a simple, utilitarian appearance, and a linear form. The extension would be at right angles to the building, and would have a wider span. Furthermore, a porch with a complicated floorplan and roof arrangement would be built in the intersection of the two buildings. Combined with the introduction of domestic scale doors and windows, the resultant appearance of the building would be changed from a simple functional rural structure to a large domestic bungalow. The proposals would not, therefore, accord with Policy DM45, which requires that any extension as part of a conversion should not be disproportionate to the original building, and should respect its scale and character.
8. The proposal does not therefore comply with Policies DM44 and DM45 of the DMPSP Plan. Consequently, the development would be contrary to Policies CS14 and CS33 of the Core Strategy, which seek to restrict residential development in inaccessible countryside locations. The proposal would also be contrary to the advice on rural housing in paragraphs 77 – 79 of the National Planning Policy Framework (the Framework), as there is no evidence that the

accommodation would meet an identified local need; it would not be located where it would enhance or maintain the vitality of a rural community; and the re-use of the building would not enhance its immediate setting.

Character and appearance of countryside

9. The effect of the extension and alterations on the appearance of the building has already been covered under the previous issue. The appellant contends that they would not erode the character of the rural area, as the works would be within the shell of the building. However, I saw that the extension would be visible from the road, and the domestic appearance of the overall building would also be readily discernible. The residential character of the resultant building would be incongruous in this rural location.
10. It is also argued that hardstandings for car-parking already exist, and that the existing riding arena could be used for amenity space. However, the application site defined by the red line also includes an extensive paddock to the east of the building. Its inclusion within the application site means that it would come within the curtilage of the dwelling, if I were to allow the appeal. As a result, there would be the potential for the domestication of this large area of land through the provision of outbuildings, means of enclosure, ornamental planting and domestic paraphernalia such as play equipment, washing lines, etc. These features would be readily visible from the road and would have a harmful impact on the undeveloped agricultural character of the countryside.
11. The site lies within the River Yeo Rolling Valley Farmland, as categorised in the North Somerset Landscape Character Area Supplementary Planning Guidance (2018) (the Landscape SPD). The site and its surroundings display many of the characteristics of this typology, such as rural pastoral landscape with sheep, cattle and horses grazing, full hedgerows and frequent hedgerow trees. The Landscape SPD identifies that the character of this area is threatened by pressure for diversification of land uses which are sometimes visually intrusive. The landscape guidelines therefore include conserving the rural pastoral character of the area. For the reasons given above, the proposals would fail to achieve this aim.
12. The proposed works to the building, and the potential for domestication of a large area of land around it, would therefore be harmful to the character and appearance of the countryside. This would be contrary to Policies CS5 and CS12 of the Core Strategy and DM10 and DM32 of the DMPSP Plan. These policies seek to protect and enhance the quality of North Somerset's landscape. The development would also conflict with the guidance contained in the Landscape SPD.

Protected species

13. The building lies in the countryside, in an area where Horseshoe Bats are known to be present. There is no evidence before me that the building is in use by bats, but without evidence to demonstrate their absence, I am unable to discount their presence. The appellant has indicated that he would be willing to accept a condition relating to provision for bats. This approach is not, however, advocated by government circular 06/2005: Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system. Paragraph 99 of this circular states that the need to ensure ecological surveys are carried out should only be left to coverage under planning

conditions in exceptional circumstances. I do not consider that such exceptional circumstances prevail in this case.

14. Based on the information before me, therefore, I consider that it cannot currently be demonstrated that the proposed development would not cause harm to protected species. Consequently, the proposals fail to accord with Policy CS4 of the Core Strategy and Policy DM8 of the DMPSP Plan, which seek to maintain and enhance the biodiversity of North Somerset, including through a requirement to submit up to date ecological surveys with development proposals.

Conclusion

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

Nick Davies

INSPECTOR