



Appeal Decision

Site visit made on 10 March 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/K2420/W/19/3243353

Garland Gables, Garland Lane, Barlestone CV13 0JD

- 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 A & S Sanderson against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00996/FUL, dated 3 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is conversion of ancillary domestic storage building to a four bed dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the existing building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Condition of existing building

3. The appeal site comprises two, linked former agricultural buildings and adjacent courtyard that form part of a small group of buildings positioned around the courtyard. The appeal site buildings are relatively modern with the front building having a concrete portal frame and concrete floor and being partly enclosed by sections of breeze block walling and profiled sheeting, mainly on the roof. The rear building is larger and has a steel frame partly enclosed by profiled sheeting on the roof and timber panelling. The dividing wall between the two buildings is formed by steel sheeting and timber sleepers. Both buildings are primarily open structures. At the time of my visit the front building was being used for domestic storage with the rear building being used to store various items including scaffolding, ladders and bricks.
4. A brief Structural Inspection Report submitted with the application concludes that after a visual inspection of the buildings the existing concrete structure appears to be in a good condition and that it is suitable for retention as part of a proposed conversion to residential accommodation, providing that the new

construction is appropriately designed to minimise additional load transfer. Reference is made to a traditional load bearing masonry dwelling and the need to tie the concrete structure to the new roof and walls to maintain the stability of the frame. It is not clear from the evidence what the architectural sketch details referred to in the structural report showed and how they relate to the appeal proposal.

5. The appeal site is located in the countryside, outside of any defined settlement boundaries. Policy DM4 of Hinckley & Bosworth Borough Council's Site Allocations and Development Management Policies DPD adopted July 2016 (SADMP) allows for the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting and Policy DM15 permits the re-use and/or adaptation of redundant or disused rural buildings subject to the listed criteria. This includes that the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration. The supporting text to the policy recognises that not all buildings in the countryside are suitable for conversion or adaptation to new uses as they may be poorly designed or constructed (paragraph 14.57).
6. In this case, the front building would be retained and altered to form a dwelling. Although the concrete frame of the building, which the evidence suggests is in a good condition, would be retained, it is unclear from the evidence whether the building is structurally sound and in particular whether the retained frame is capable of supporting the proposed new walls and roof of the dwelling. In any event, the primarily open nature of the existing building means that the building is incapable of conversion without significant alteration. The proposal is therefore contrary to SADMP Policy DM15.
7. My attention has been drawn to the fact that a previous planning permission for the conversion of nearby buildings to dwellings also included the retention, alteration and conversion of the existing portal framed buildings for ancillary residential uses (Ref 11/00408/FUL). I have been provided with some documentation relating to this permission including the decision notice, officer report and plans. It appears from the evidence that the building proposed to be retained as part of this proposal was to be retained and re-clad. However, I have seen no details as to how this was to be done or any substantive evidence to demonstrate that the previous permission to retain and re-clad the proposal building remains extant and capable of implementation, particularly as I note that the permission included a number of pre commencement conditions. Consequently, in reaching my decision I attach limited weight to the previous permission.
8. Taking the above matters into consideration, I conclude that the existing building is not in a structurally sound condition and is not capable of conversion without significant rebuild or alteration. The proposal is therefore contrary to Policy DM15 of the SADMP insofar as it relates to the condition of the building to be re-used and/or adapted as the policy seeks to ensure that such buildings are in a structurally sound condition and are capable of conversion without significant rebuild or alteration.

Character and appearance

9. As stated, the existing buildings are relatively modern, largely open sided utilitarian buildings and they are of no particular architectural merit. The buildings extend to the rear of the more traditional brick buildings surrounding

the courtyard which were converted to dwellings following the grant of permission in 2011. Land to the rear and surrounding the site comprises open countryside containing sporadic development and I understand that the site lies within the Charnwood Fringe as identified within the Hinckley and Bosworth Landscape Character Assessment (2017), one of the key characteristics of which is its predominantly rural landscape. Though the buildings are not prominent when viewed from the site entrance, their size and position to the rear of other buildings surrounding the courtyard means that they are clearly visible from Bagworth Road to the south east and from the nearby public footpath.

10. Neither the existing buildings nor the proposed building reflect the existing dwellings nearby in either their form or detail. Though I accept that it is not necessary to mimic the existing dwellings in terms of form and materials, the particular design proposed would result in a building with a very uniform appearance comprising a large number of openings positioned in a symmetrical and uniform manner. This together with the commercial nature of the proposed materials and the scale and position of the building to be retained means that the proposed dwelling and its garden area would be incongruous and not be in keeping with the generally rural character and appearance of the area.
11. Whilst the removal of the building at the rear of the site and works to renew and replace existing cladding on the retained building would offer some visual benefits and whilst the proposal attempts to reflect guidance in The Good Design Guide Supplementary Planning Document 2019 (SPD), the visual harm that would result from the proposal would outweigh these benefits. In addition, as stated above, though permission was previously granted for the front building to be retained and re-clad, the status of the previous permission and the resultant appearance of the retained building and surrounding land is not clear from the evidence. Consequently, I attach limited weight to the previous permission.
12. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to policies DM4, DM10 and DM15 of the SADMP which seek, amongst other things, to protect the intrinsic value, beauty and character of the countryside and to ensure that proposals lead to an enhancement of the immediate setting.

Other Matters

13. The site is located in the countryside, some distance away from the nearest settlements and remote from services and facilities. Although the Council's policies appear to allow for the re-use of buildings in such locations, for the reasons stated above, the nature of the existing building and the extent of the works proposed to it means that proposal is not considered to comply with such policies. Occupiers of the proposed dwelling would be likely to be dependent on the use of a car to access goods and services and consequently the proposal would result in the provision of a new dwelling in a location with poor access to such facilities.
14. At the time of determining the application the Council could not demonstrate a five year housing land supply and it appears from the evidence that both

parties agree that this remains the case with a supply figure of between 2.94 and 4.15 years being referred to by the appellant.

15. Paragraph 11d of the National Planning Policy Framework (the Framework) states that under such circumstances and where the proposal is for housing, the policies which are most important for determining the application are out of date and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would provide one additional dwelling and would make a limited contribution to housing supply in the area. It would also provide modest economic benefits both in the short term through the provision of employment opportunities during construction and in the short to long term through spending in the local economy both during construction and afterwards. However, weighed against these benefits would be the significant harm to the Council's settlement strategy and to the character and appearance of the area together with the relatively isolated position of the site away from services and facilities.
17. Therefore, even if I were to accept the lowest of the appellant's housing land supply figures, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole including policies to boost the supply of housing (para 59); promoting sustainable transport (inc para 102); promoting and supporting the development of under-utilised land and buildings (para 118) and achieving well-designed places (inc para 127). The proposal does not therefore benefit from the presumption in favour of sustainable development.
18. In reaching my decision I have had regard to the decision taken by the Council at Hollow House (Ref 16/01006/FUL) as detailed in the documentation provided by the appellant. However, whilst there are some similarities, it appears that the proposal and the one at Hollow House are not directly comparable in that the existing building at Hollow House was of a more solid appearance than the one forming part of this proposal. Moreover, it appears from the evidence that the Hollow House building may have been less prominent. I therefore attach limited weight to the Hollow House decision and in any event, I must determine the proposal before me on its own merits.

Planning Balance and Conclusion

19. Notwithstanding the Council's five year housing land supply position, the proposal is nevertheless contrary to the development plan when taken as a whole. There are no material considerations that indicate that the proposal should be determined otherwise in accordance with the development plan.
20. Therefore, for the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR