The Planning Inspectorate

Appeal Decision

Site visit made on 21 January 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 26 May 2020

Appeal Ref: APP/F0114/W/19/3239762
Cleeves Woodborough, Peasedown St. John, Bath BA2 8LW

- 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 J Walter against the decision of Bath & North East Somerset Council.
- The application Ref 19/03190/FUL, dated 15 July 2019, was refused by notice dated 7 October 2019.
- The development proposal was originally described as "Partial residential conversion and change of use to existing workshop building"

Decision

1. The appeal is allowed and planning permission is granted for partial change of use from garage workshop (B2) to residential (C3) at Cleeves Woodborough, Peasedown St. John, Bath BA2 8LW in accordance with the terms of the application, Ref 19/03190/FUL, dated 15 July 2019, subject to the conditions set out in the appended schedule.

Procedural Matter

2. The Council has altered the description of the development on the decision notice to read "partial change of use from garage workshop (B2) to residential (C3)". During the determination of the planning application, the scheme was amended so the whole building instead of part was to be converted into a residential dwelling. For the avoidance of doubt, I have considered the appeal on the basis of the revised site layout plans[1].

Main Issue

3. The main issue is whether the proposed dwelling is an appropriate location for development, having regard to local and national policies which seek to protect the countryside.

Reasons

4. The appeal site is a large workshop building located to the north of the dwelling known as 'Cleeves Cottage'. The site is accessed via an existing driveway shared with Cleeves Cottage which also forms a Public Right of Way (PROW) reference BA19/24. The site is surrounded by mature vegetation, and has a predominately rural feel, with expansive verdant views surrounding the appeal site. The site is located within the Radstock Conservation Area (CA), albeit it is

[1] Drawing references LPC/4627/SD1/2B Sketch design 1 Ground and first floor plans and elevations dated June 2019 and LPC/4627/SD1/1B. sketch design 1 site layout plans

located on the very edge of the CA. The CA in this location is characterised by its predominately rural nature, with the band of mature vegetation around the appeal site reinforcing this characteristic.

5. There is no disagreement between the parties that the appeal site is located in the countryside. Policy RE6 of the Bath and North East Somerset Local Plan 2011 – 2029 Placemaking Plan (LP) applies to proposals for the reuse of rural buildings. It states that conversions of buildings to a new use in the countryside will only be permitted when 8 criteria are met. It is not contested by the parties that the proposal meets all criteria with the exception of criterion 3 and 5. Criterion 3 requires that the proposal would enhance visual amenity and not harm ecological function. Criterion 5 requires that where a building is isolated from public services and community facilities, and unrelated to an established group of buildings, the benefits of re-using a redundant or disused building and any enhancements to its immediate setting outweighs the harm arising from the isolated location. Furthermore, paragraph 79 of the National Planning Policy Framework (the Framework) notes that planning policies and decisions should avoid the development of isolated homes in the countryside. However, there are exceptions to this which include if the development would re-use redundant or disused buildings and enhance its immediate setting.

6. The existing building is of a simple functional appearance, constructed of artificial stone blocks with a roof of green metal sheeting. It has an extant planning consent for B2 industrial use, and historically has been used in connection with a local haulage business which has ceased trading. During my site visit I observed that the building is not currently being used for any industrial use, and it was apparent that it was being used for the storage of residential paraphernalia associated with Cleeves Cottage. The appellant has indicated that they consider the building is currently redundant, and the Council has not disputed this.

7. The existing building is a large and unadorned utilitarian building with the appearance of a warehouse. The proposed alterations would include the replacement of the roller shutter doors with full height glazing, and several new windows would be inserted on the side elevations which would break up the existing expanse of wall. In addition, the existing gable over the roller doors would be replaced with unstained wooden boards. The proposal would also include the formation of a small garden area to the side of the building, and would contain a small grassed area. These alterations would add visual interest to the building and would result in it having a domestic appearance rather than an industrial appearance.

8. I note the Council's concerns that the proposal would introduce residential paraphernalia into a predominately rural area and would create a dwelling of a scale and mass which is not in keeping with the adjacent dwelling of Cleeves Cottage. However, the building already exists and there would be no change to its scale and mass. In addition, I consider that the original use as a workshop would have a degree of external paraphernalia linked to it, such as parked cars. A domestic curtilage would not have a greater impact on the character and appearance of the area than an industrial one. Moreover, the resultant appearance of the proposed dwelling would be more in keeping with the neighbouring residential use and it would not harm the rural character of the area.

9. My attention has been drawn to a recent appeal decision[2] in Stanton Drew where the Inspector concluded that a conversion of a residential outbuilding to a dwelling was found unacceptable. I have not been provided with the full details of that case. Nonetheless, the appeal at Stanton Drew was within the Green Belt, which the appeal site is not, and therefore I do not consider that it is directly comparable to the appeal site. In any case, all applications and appeals must be determined on their own merits and that is what I have done in this case.

10. As the appeal site lies within the CA, I have a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act) to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As I have already found that the proposal would improve visual amenity, I also find that it would enhance the character and appearance of the CA.

11. I conclude that the proposed development would improve visual amenity and enhance the development's immediate setting and would therefore be in an appropriate location. As such there is no conflict with policy RE6 of the LP and paragraph 79 of the Framework. Together these seek, amongst other things, that development is located in an appropriate location. Neither do I find conflict with policy HE1 of the LP, and paragraph 196 of the Framework which seek, amongst other things that development conserves or preserves conservation areas.

Other Matters

12. The appellant has stated that they consider paragraph 79(d) of the Framework is applicable in this instance, which allows for the subdivision of an existing residential dwelling. The appellant contends that since the industrial use of the building ceased, it has fallen under a residential use linked with the neighbouring property of Cleeves Cottage. The appellant is of the view that conversion of the building to a residential use would therefore meet this exception of the subdivision of an existing residential dwelling. However, as I have found the proposal is acceptable for other reasons, there is no need for me to reach a finding on this matter.

Conditions

13. The Council has suggested a number of conditions, and I have amended these in the interest of precision. The written agreement of the appellant was received in respect of the pre-commencement conditions. I attach a standard time limit condition and a condition requiring the development to be carried out in accordance with the approved plans. These are necessary to provide clarity and certainty. I have imposed pre-commencement conditions relating to land contamination and remediation in relation to this. This is necessary given the site's previous land use. A condition relating to external lighting is necessary to ensure the external lighting is appropriate and safeguards biodiversity. I have imposed a condition relating to the provision of landscaping, which is required to ensure the character and appearance of the area is safeguarded. A condition relating to parking and turning areas is necessary in the interests of highway safety.

[2] APP/F0114/W/19/3216367

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/F0114/W/19/3239762

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 8 July 2019, LPC/4627/EX/1A existing ground and first floor plans and elevations dated June 2019, LPC/4627/SD1/2B sketch design 1 ground and first floor plans and elevations dated June 2019, LPC/4627/SD1/1B sketch design 1 site layout plan dated July 2019.

3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.

4) No new external or internal lighting shall be installed without details of proposed lighting design being first submitted to and approved in writing by the local planning authority.

5) No occupation shall commence until a soft landscape scheme has been submitted to and approved in writing by the local planning authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, density, size , species and positions of all new trees and shrubs; and a programme of implementation. The approved scheme shall be implemented in accordance with the approved programme of implementation.

6) The areas allocated for parking and turning, as indicated on submitted plan reference LPC/4627/SD1/1B shall be provided before the dwelling is occupied and shall remain available for the parking of vehicles in connection with the development hereby permitted at all times thereafter.