



Appeal Decision

Site visit made on 23 June 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/Z0923/W/20/3247229

Southam Farm, Bigrigg, Egremont CA22 2TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr and Mrs A Reed against the decision of Copeland Borough Council.
 - The application Ref 4/19/2160/0F1, dated 14 February 2019, was refused by notice dated 20 August 2019.
 - The development proposed is the conversion of an outbuilding and extensions to form a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect if the proposed development on the character and appearance of the host property and on protected species, with particular reference to bats, owls and breeding birds.

Reasons

Character and appearance

3. The appeal property is a large shed under a mono-pitched roof with walls formed from a number of materials including stone, block and brick that appears to have evolved over time and as such is of a character and appearance that is typical of this rural area.
4. Policy DM15a of the Copeland Local Plan Core Strategy and Development Management Policies DPD (December 2013) (the Local Plan) states that "proposals for the conversion of a building to residential use will be permitted" and lists a number of criteria that must be fulfilled including, C) The building is structurally sound and is capable of accepting conversion works without significant rebuilding, modifications or extensions.
5. The appellant asserts Policy DM15a is out of date and is being reviewed by the Council. The Appellant does not provide any further details as to why the policy should be considered to be out of date, though the Council acknowledges that it cannot demonstrate a 5-year housing land supply. However, on the basis of the evidence before me I find that Policy DM15a of the Local Plan is not out of date because it is consistent with the National Planning Policy Framework (the Framework) in requiring that developments are sympathetic to local character

and history. As such the 'tilted balance' given by paragraph 11 of the Framework is not applicable in this case.

6. The appeal proposal would, with the addition of a completely new roof structure, result in the creation of an additional floor of accommodation and also a small extension to the side of the existing building.
7. I have not been provided with a detailed analysis of the additional structure proposed but the Council's statement details that the existing mono pitched roof is an overall height of 4.1m high which would be increased to 6.7m as a result of the appeal scheme. Furthermore, the report states that the eaves of the building would increase from 2.1m to 3.15m.
8. The submitted plans show that substantial additions would be made to the existing structure, principally in relation to the roof and thereby harming the character and appearance of the building. As such, the appeal scheme is contrary to Policy DM15a of the Local Plan that seeks to protect the character and appearance of the area.

Protected species

9. The appellant has submitted a report 'Survey for Bats, Barn Owls & Breeding Birds, Barns at Southam Farm Bigrigg, Cumbria' by Steve Wake. The report does not detail the qualifications of the author and the report is undated, though I note that the surveys were undertaken in January and May 2017, over three years ago.
10. The report refers to the appeal property amongst other properties nearby. However, assessments, mitigation and conclusions in respect of the individual properties are not made, save for a general conclusion referring to "the building". The survey does identify bats in the area of the appeal site and that parts of the building that are difficult to reach may provide potential for bats to roost.
11. On the basis of the evidence before me I find that it has not been demonstrated that the proposed development will not harm protected species, with particular reference to bats, owls and breeding birds. As such the proposed development is contrary to the Policy EV3 of the Local Plan, and the Framework that relate to the protection of particular species.

Other Matters

12. That the appeal scheme would reuse an existing building and contribute to the provision of housing in the area are material considerations that weigh in favour of the appeal and I afford this some weight, but they do not outweigh the harm that I have previously identified.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR