
Appeal Decision

Site visit made on 9 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2020

Appeal Ref: APP/J3720/W/20/3245828

The Tree Place, Church Hill, Combrook CV35 9HP

- 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 and Mrs Bailey against the decision of Stratford on Avon District Council.
 - The application Ref 19/2056/FUL, dated 23 July 2019, was refused by notice dated 3 December 2019.
 - The development proposed was originally described as barn conversion with partial change of use of barn to domestic. Conversion incorporating existing sub-standard dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of existing mixed use building (part residential and part agricultural) to a single dwelling incorporating the existing steel frame building on the site in accordance with the terms of the application, Ref 19/2056/FUL dated 23 July 2019 subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Notwithstanding the description of development in the heading, I have taken the description of development from the appeal form as it more accurately describes the development proposed.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is formed by a large steel frame barn located within open countryside forming part of the locally designated Feldon Park Special Landscape Area (SLA). The site is accessed via a track from Church Hill. The site comprises a number of small outbuildings and a large barn screened by mature trees and landscaping.

5. The barn's external appearance is formed of corrugated metal sheets. A large area around the barn is private amenity space in the form of an ornamental garden. Internally, the barn largely contains miscellaneous items with part of it divided into living accommodation established under a Certificate of Lawful Development¹.
6. Policy CS.20 of the Stratford-on-Avon Core Strategy (CS) (2016) relates to existing housing stock and buildings.
7. I acknowledge that the existing residential unit occupies a small section of the barn and that the proposed development would be larger in terms of floor area and volume. However, the proposal would be contained within the limits of the existing barn and would not result in an increase in the footprint or height of the barn. The built form would not spread over a greater area of the site or encroach into the wider rural landscape.
8. The form of the barn would be retained and whilst new walls and roof are proposed it would still have the appearance of an agricultural building. I am of the view that the proposal would be sympathetic to the rural character and appearance of the area and not visually intrusive. It would not result in harm to the character and appearance of the countryside.
9. As such, whilst the proposed development would be larger than the residential unit it would replace, the site specific circumstances of this appeal mean that the scheme would still comply with the overall aims of Policy CS.20 of the CS as it would preserve and enhance the character of the locality and contribute to the provision of a mix of housing.

Other Matters

10. I note the representations made in respect of the application and appeal. Based on the evidence before me and taking into account the advice of Warwickshire County Council Highways, I am satisfied that the proposed access and visibility splay is adequate and that the proposal would not intensify movements to and from the site. As such I find that it would not adversely affect highway safety. Planning conditions would control the hard surfacing materials to ensure a satisfactory appearance.
11. With regard to comments in respect of access for fire appliances. I note that Warwickshire Fire and Rescue Service did not object to the proposal with regard to the access or on safety grounds. There is no compelling evidence before me that would lead me to a different conclusion.
12. Whilst the site is located within open countryside the Council have not stated that the proposal conflicts with paragraph 79 of the National Planning Policy Framework (the Framework). I see no reason to disagree with them in this regard.
13. Based on the evidence before me there is nothing substantive to indicate that the existing structure is not suitable for the development proposed or that the drainage system is inadequate.

¹ 18/02769/LDE

Conditions

14. The Council has suggested 11 conditions in the event that the appeal was to be allowed. I have considered these in relation to the contents of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
15. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to the external materials including hard and soft landscaping and retained trees have been imposed in order to ensure the satisfactory appearance of the development.
16. In the interests of sustainable travel, a condition for an electric vehicle charging point has been imposed.
17. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse, additions or alterations to the roof, the construction of a building or enclosure incidental to the enjoyment of the dwellinghouse falling within Classes A, B, C and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
18. I acknowledge that Paragraph 53 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this particular instance and with the exception of alterations falling within Class C, which would be minor works to the roof, it is necessary and reasonable to remove permitted development rights to ensure the satisfactory appearance of the development that reflects its rural context and to maintain the character and appearance of the SLA.
19. The Council has suggested conditions for the provision of refuse and recycling bins and a water butt. However, I find that these conditions are not necessary and have not been imposed.

Conclusion

20. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions (8 in total)

- 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: Existing Location Plan, Block Plan and Building Drawing No 2018-03-10A; Proposed Barn Conversion Drawing No 2018-03-11 and Proposed Block Plan Drawing No 2018-03-12.
- 3) No construction of the external surfaces of the development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) Planting plans and schedule of plants;
 - ii) Hard surfacing materials;
 - iii) boundary treatments and gates;
 - iv) vehicle parking layouts; and
 - v) other vehicle and pedestrian access and circulation areas;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and thereafter retained for the lifetime of the development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 7) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented in accordance with the approved details and shall thereafter be retained.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse, additions or alterations to the roofs, construction of buildings or enclosures incidental to the enjoyment of the dwellinghouse falling within Classes A, B and E shall be constructed.