



Appeal Decision

Site visit made on 13 July 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2020

Appeal Ref: APP/V3310/W/20/3248295

Waterside, Axbridge Road, Cheddar BS26 2DP

- 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 Aldridge against the decision of Sedgemoor District Council.
 - The application Ref 17/19/00051, dated 9 May 2019, was refused by notice dated 5 September 2019.
 - The development proposed is conversion of the former piggery to a new dwelling house comprising three bedrooms and retention of existing workshop and office space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The site address is given on the application form as Cheddar Road, Axbridge. However, the address in my above heading is consistent between the appeal form and Council's decision notice and appears to be correct from the location plan and maps included in the Cheddar Neighbourhood Plan.

Preliminary matter

3. The application was refused for three reasons. Following works to trees and evidence provided with the appeal, the Council no longer wishes to defend a reason relating to an inadequacy of information about the effect on trees. I, therefore, do not consider this matter any further.

Main Issue

4. The main issues are whether the site is in an appropriate location for the development with regard to local and national planning policies; and the effect on living conditions of future occupiers of the site.

Reasons

5. The proposal is described as a conversion of the former piggery. There is no dispute that the building is structurally sound and has an existing roof covering. It may well be that most conversions involve substantial works to roof structures, but part of this proposal would involve additional wall height, raising the roof at the eaves and ridge. The Council describes these works as significant rebuilding, although the proposal would retain all of the existing walls, re-use existing openings and would not radically alter the character of the existing building.

6. I note that, unlike in some other planning authority areas, there is no development plan policy, or guidance with the Planning Guidance Note on Conversion of Agricultural/Rural Buildings 2014 (PGN), setting out the extent of building work that may be permissible. Nevertheless, I must determine the appeal on the basis of the development plan and relevant guidance for this area. The PGN indicates that proposals that require significant extension are probably not suitable candidates for conversion.
7. In this case, the additional building work is not due to structural instability, but to provide sufficient headroom within the building to make it habitable. Although the general shape of the building would be retained, and the increase in maximum height at the ridge is small, the requirement for the works, particularly the greater increase in height at the eaves is indicative that the building is not currently of sufficient size or proportions to be a dwelling. In this context, although not defined in policy, the works would be significant because the building could not function as a dwelling without them.
8. My attention has been drawn to the case of *Hibbitt and Another v SSCLG and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin) concerning the extent of new building works and the tipping point at which a conversion becomes fresh build. That case related to the application of permitted development rights and the works required were very different to those in the present case. However, the Judgement indicates that the divide between rebuild, or 'fresh build' is a matter of legitimate planning judgement for the decision maker.
9. It has also been suggested that, if agricultural, the building would have been a candidate for conversion under the Town and Country Planning (General Permitted Development) Order 2015. However, even if its use benefitted from permitted development rights, it has not been demonstrated that the works required could be accommodated within the specified parameters, so I find this comparison of little relevance.
10. Overall, I find that the building as it currently exists is not of sufficient size and proportions to be capable of re-use as a dwelling without the extension works proposed. Accordingly, whether or not I describe these works as significant in the context of the building overall, the extent of fresh build is beyond that which could be considered to be re-using the building. It should, therefore, be treated as a new build dwelling.

Location

11. The appellant has described a substantial amount of planning and development activity within the surrounding area. However, while there is a nearby garage providing some services within a short walk, there is no dispute that the site should be considered as being within the countryside, between the settlements of Cheddar and Axbridge. Those nearby settlements have a range of services and facilities that can support additional growth as set out in Policy S2 of the Sedgemoor Local Plan – Adoption Version 2019 (LP) that sets a settlement hierarchy for the Sedgemoor District.
12. In the countryside, though, LP Policies CO1 and S2 place a control over development. The policies indicate that certain development will be supported such as where it accords with other relevant policies within the Local Plan, to enhance or maintain the vitality of rural communities and support a prosperous rural economy. Although some provision for housing in the countryside is

made, Policy S2 refers to infill opportunities within small villages. The site, lying in the countryside between the settlements of Cheddar and Axbridge, is not within a village, so I find it to be in a location where the LP does not permit new housing.

13. The site is also within a Green Wedge, designated in the Cheddar Neighbourhood Plan 2011-2027 (NP). While the presence of the existing building and greater height of surrounding buildings may mean that the proposal would not have a significant effect on the Green Wedge, including in terms of the separation of Cheddar and Axbridge, NP policies BEH5 and LEH2 seek to resist development here.
14. I note that the Green Wedge designation is not repeated in the later LP, and the appellant argues that the relevant policies should only attract limited weight. However, even if I were to accept that limited weight should be attached to NP Policies BEH5 and LEH2 for this or some other reason, it would not alter my above conclusions in respect of the LP.
15. With regard to the above, I find that the development plan, read as a whole, does not permit housing in the location of the appeal site. I note the appearance and declining condition of the building and that the proposal could result in an enhancement to its setting. However, whether or not the site is considered to be in an isolated location, as I have found the works involved to be tantamount to a new build dwelling, those policies of the National Planning Policy Framework that support the re-use of redundant or disused buildings do not weigh in favour of the appeal.

Living conditions

16. The rear windows would be provided at a high level and so have limited outlook. They would also be close to the hedgerow and tree boundary which would likely reduce the amount of light entering the building through these relatively small windows. However, the windows would only serve bedrooms and would benefit from some natural light. Whilst two of the bedrooms would have a poor outlook, taking the proposed accommodation as a whole, I find that the dwelling would provide adequate living conditions to future occupiers. Therefore, there would be no conflict with LP Policies D2 and D25 which seek to avoid unacceptable living conditions for future occupiers and create buildings that are enjoyable to use.

Other matters

17. There are existing holiday lodges at the site as well extant planning permissions for more. Some of those permitted lodges could not be built if this development went ahead. This alternative development creates a fallback position that would be available to the appellant should permission be refused. The buildings in the alternative development would be higher and, insofar as it would provide more units, would be a more intensive use of the site.
18. However, given the established boundary planting and other development on and near to the site, the holiday lodges would not be significantly more intrusive in the landscape or green wedge. Therefore, the proposal would not lead to any significant benefit, for example in terms of the character and appearance of the area, or the separation of Cheddar and Axbridge, compared to the extant permission.

19. Moreover, the holiday lodges would have involved a different balance of considerations as the Council has indicated that they are a form of development that is acceptable in this location. As such, the proposal would cause planning policy harm that does not arise in the context of the extant permissions. They do not indicate that the proposal before me should be granted, or that this development in the Green Wedge should be considered appropriate. I, therefore, attribute the fallback position limited weight.
20. It may well be that the simple design approach seeks to reflect the characteristics of the existing building and that this is supported by the PGN. I also note that there is no suggestion of any harm to the character and appearance of the area, or living conditions of nearby residents. However, these matters are neutral in the planning balance and do not lead me away from my earlier findings.
21. I note that the development is within the consultation zone for the North Somerset and Mendip Bats Special Area of Conservation. However, as I am dismissing the appeal for other reasons, my decision could not lead to any likely significant effects on this site.

Conclusion

22. The proposal would provide adequate living conditions for future occupiers. However, it would be tantamount to a new build dwelling in a countryside location. This would lead to a conflict with the development plan considered as a whole. There are no material considerations that would indicate that a decision should be taken other than in accordance with the development plan.
23. Therefore, the appeal is dismissed.

M Bale

INSPECTOR