The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/P3040/W/20/3252401
Hillside Farm, Bunny Hill, Bunny NG11 6QQ

- 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 Mrs R Linley against the decision of Rushcliffe Borough Council.
- The application Ref 19/02436/FUL, dated 18 October 2019, was refused by notice dated 13 December 2019.
- The development proposed is change of use from care home to C3 residential use, including 1st floor extension to create four new dwellings and retention of the two dwellings on the site. Existing access driveway to be widened.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from care home to C3 residential use, including 1st floor extension to create four new dwellings and retention of the two dwellings on the site. Existing access driveway to be widened at Hillside Farm, Bunny Hill, Bunny NG11 6QQ in accordance with the terms of the application Ref 19/02436/FUL, dated 18 October 2019, subject to the conditions in the attached Schedule.

Procedural Matters

2. The appeal site lies in the Green Belt, and there is no dispute between the main parties that the extensions and alterations proposed would not result in disproportionate additions over and above the size of the original buildings. I have no reason to disagree. Consequently, the proposal would not be inappropriate development in the Green Belt as it would be in compliance with one of the exceptions set out in paragraph 145 of the National Planning Policy Framework (the Framework).

Main Issue

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

Reasons

4. The appeal site is set in eminently rural surroundings, located away from the nearest settlement. One of the buildings is two-storeys in height, complete with an attached conservatory and spacious rear garden. It is attached to a single-storey building which wraps around a central courtyard. A detached dormer fronted building lies adjacent, close to the access.

5. The Council recently granted planning permission for the conversion of the care home into four dwellings, thus the principle of residential development in this location is considered acceptable[1]. However, the appeal proposal would involve first-floor extensions over the single-storey element creating a two-storey arrangement of buildings which, in total, would accommodate 6 dwellings.

6. The existing single-storey building has a rustic appearance, displayed in its traditional materials and architectural features, which is reflective of the site's rural surroundings. However, any historic use in connection with agriculture and historical significance has been diminished by the extensive window and door openings and small canopies present over each of the doors. This, along with the building's position amidst larger residential buildings and extensive areas of hardstanding means that it is no longer readily identifiable as a former barn, and instead exhibits a residential character, in keeping with the site's current use for residential purposes.

7. Even though the proposal would supplant the single-storey elements, resulting in built form of two storeys which would further enclose the courtyard, the minimal detailing and design of the extensions proposed would reflect the simple appearance of the existing buildings, and would replicate their overall rustic style. The dormers would generally match those present in the detached buildings. Moreover, the first-floor extensions would not alter the overall courtyard arrangement.

8. My attention has been drawn to the Council's Residential Design Guide Supplementary Planning Document 2009 (SPD) which states that 'any prospective developer should be aware that permission will not necessarily be forthcoming for unnecessary extensions, the raising of roofs or the introduction of dormer windows or roof- lights to increase accommodation.' Be that as it may, whatever the original character and form of the barn, to my mind it no longer represents significant historic, architectural and visual value. I appreciate that the proposal would alter the appearance of the courtyard buildings, but not to the extent that the development as a whole would appear obtrusive in its rural setting. Consequently, I find no conflict with the SPG and the development would not harm the area's rural character.

9. For the foregoing reasons, the development would not unacceptably harm the character and appearance of the area. It would comply with Policy 1 of the Rushcliffe Local Plan Part 2:Land and Planning Policies 2019 (Local Plan) which requires, amongst other matters, that the scale, density, height, massing, design, layout and materials of developments do not harm the character and appearance of the nearby buildings and the area. The existing buildings are not of significant architectural, historic or visual value thus the proposal would not conflict with the SPD in relation to barn conversions. Moreover, the proposal would not conflict with paragraph 130 of the Framework which requires that development of poor design is refused.

Other Matters

10. Third party concerns relating to highway safety are acknowledged. However, the Council's highways consultant raises no in principle objection to the proposal, subject to the access being widened in accordance with the submitted details. The appeal site has an established residential use, and planning

[1] Rushcliffe Borough Council planning reference – 19/02536/FUL

permission has been granted for four dwellings on the site. Therefore, concerns relating to the substandard nature of local infrastructure, the history of the site as a landfill, and the proximity of a recycling centre which could give rise to disturbance carry only limited weight given that the proposal would not introduce significantly more housing than is permitted. These considerations are not justifiable reasons to withhold planning permission in this case.

11. It is put to me by a third party that the widening of the access may result in the removal of a mature tree. However, there is no suggestion by the appellant or the Council that such works would result in the removal of mature trees and, in any event, there is nothing to suggest that the tree in question is protected. Consequently, this matter carries only limited weight.

12. The occupiers of Chestnut Farm nearby raised concerns regarding the accuracy of the plans submitted with the planning application in relation to land ownership. The appellant has completed 'certificate B' on the appeal form, indicating that some of the land within the appeal site is owned by persons residing at Chestnut Farm. In any event, the grant of planning permission would not negate or supersede private legal rights relating to land ownership, and this consideration has had no bearing on my decision.

Planning Conditions

13. The Council have provided me with suggested conditions in the event I was minded to allow the appeal and I have considered these along with consultee and third party responses in formulating a list of conditions, which I have considered against the relevant guidance contained within the Planning Practice Guidance (the PPG) and the Framework. This requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

14. I have applied the standard '3 year' time limit condition, and the 'approved plans' and 'materials' conditions in the interests of certainty and character and appearance.

15. The proposal includes works to improve the access in order to ensure a safe and suitable access from the main highway. Therefore, I have imposed a condition requiring these works to be undertaken prior to the occupation of the development, in the interests of highway safety.

16. There are no details of proposed boundary treatments on the plans. A condition is required in order that suitable boundary treatments are provided in the interests of the rural character and appearance of the area.

17. Details of visibility splays at the site entrance, along with areas for the parking and manoeuvring of vehicles and bin storage have been provided, and the Council have not objected to the details submitted. I have no reason to consider that the details provided are unacceptable. A planning condition requiring the submission of such details is therefore not necessary.

18. I note that the Council's Environmental Health officers submit that a sound insulation scheme would be required to attenuate noise within the building from residents within the gardens of the proposed dwellings. However, I see no reason why the use of gardens as private amenity space would result in undue noise internally for future occupiers, and no technical or policy-based

evidence has been submitted to support this assertion. Therefore, I do not find such a condition necessary.

19. Several ornamental trees would be removed but they do not appear to have significant biodiversity or aesthetic value. The proposal would not affect existing hedgerows and overall biodiversity would be conserved. Therefore, it is not necessary to attach a condition requiring additional ecological mitigation or enhancement measures. In any event, should protected species be encountered during construction, there is other legislation in place to preserve legally protected species.

20. Finally, I have attached a planning condition requiring that water consumption reduction measures are incorporated into the dwellings, as required by Policy 12 of the Local Plan.

Conclusion

21. For the reasons given, the appeal is allowed.

Matthew Woodward

INSPECTOR

Schedule of Conditions

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: 0100a, 0101, 0102, 0103, 0105, 0106, 0110b, 0111b, 0112b, 0113b, 0114, 115a, 116a, 117a.

3) The external surfaces of the development hereby permitted shall match those used in the construction of the existing building.

4) The development hereby permitted shall not be occupied until a means of access for vehicles has been constructed in accordance with plan Ref: 0114. The access shall be retained thereafter.

5) Prior to the occupation of the development hereby permitted, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to occupation.

6) The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

End of Schedule