



Appeal Decision

Site visit made on 9 September 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2020

Appeal Ref: APP/C1570/W/20/3253640

The Stables, May Walk, Elsenham Road, Stansted CM24 8SS

- 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 S Richardson (NB Investments) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2777/FUL, dated 7 November 2019, was refused by notice dated 12 May 2020.
 - The development proposed is change of use of redundant animal shelter into a residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted a revised drawing¹ showing alterations to the proposed elevations and floor plan. The submission of the revised drawing was contingent on the Council accepting the principle of the conversion of the building. Whilst agreeing that the revised drawing would address the second reason for refusal, the Council did not accept that to do so would accept the principle of the conversion. The appellant subsequently withdrew the revised plan from consideration. I have therefore determined the appeal on the basis of the plans submitted to, and considered by, the Council as part of the application for planning permission.

Main Issues

3. Having regard to the above, the main issues are whether or not:
 - The appeal building is capable of re-use and would enhance its immediate setting; and
 - The proposal would provide adequate internal living accommodation.

Reasons

4. The appeal site is located in the open countryside where Uttlesford Local Plan (ULP) policy S7 states amongst other things that the countryside will be protected for its own sake and that permission for development will only be forthcoming where it is appropriate to a rural area. ULP policy H6 concerns the conversion of rural buildings to dwellings and states that proposals will be supported if a range of criteria can be satisfied.
5. It is common ground that these policies significantly predate the National Planning Policy Framework (the Framework) and do not fully align with it. It is also common

¹ Statement of Case Appendix b) – Drwg No: ES-102

ground that the Council cannot currently demonstrate a 5-year housing land supply and so, in accordance with Framework paragraph 11, the policies most important for determining the application are out of date.

The building

6. The appeal building, described as a redundant animal shelter, is a modestly sized timber-framed, timber-clad building. The appellant's structural report² showed the building to be open sided to one (south) elevation with a wide opening on a side (east) elevation. At the time of my visit to the site, both of these open elements were secured by doors and the building used for storage in connection with on-going building and conversion works at adjacent buildings.
7. The appeal building is a timber framed structure set on a concrete slab. Externally, the building's walls are clad with horizontal timber planks and railway sleepers mounted on and between the building's timber framework, with plywood sheets forming the roof. Internally, there are further timber posts in line along the building's length which lend support to the timber roof frame, whilst the walls are clad in part with plywood sheets.
8. The appellant draws on the structural report¹ to demonstrate that the building is sound and suitable for conversion to residential use, setting out a range of 'necessary basic works'³ to allow the building to be re-used. The Council, whilst maintaining their position that the proposal would require substantial building reconstruction tantamount to a rebuild not conversion, have not presented any evidence to support that position or to rebut the appellant's submissions.
9. However, the structural report provides little or no insight into the condition of the building and is instead merely descriptive of the building as it stood at the time of the inspection. Moreover, there is very little in the way of detail as to the method of conversion, the works involved and how the re-use of the existing building would be carried out.
10. I accept that upgrading of the building in the general manner set out in paragraph 3.20 of the appellant's Grounds of Appeal would not be unreasonable in the context of the conversion of an existing (non-residential) building to residential use. However, neither the structural report, the planning statement nor the submitted plans clearly set out or explain how the existing building would be converted and re-used. The proposal would also involve the construction of a substantial new pitched, hipped tiled roof in place of the existing plywood sheet flat roof but there is nothing in the structural report that demonstrates that the existing building's timber framework is capable of accommodating such a substantial upgrade to the roof structure.
11. The Council are concerned that the proposal would amount to the substantial rebuilding of the existing building, tantamount to construction of a new building. The Framework does not qualify or quantify the works involved in the re-use of redundant or disused buildings, other than their reuse must enhance their immediate setting. The proposal would not increase the footprint of the existing building nor, other than a new and more substantial roof structure, would it extend the existing building. However, it has not been adequately demonstrated that the existing building, essentially a rudimentary timber framed field shelter infilled with timber plans and railway sleepers, is capable of conversion or that the proposal would reasonably amount to the re-use of the existing building.

² Martin and Martin Chartered Surveyors – File No: BS11374

³ Paragraph 3.20

12. Even if I were to conclude that the likely works necessary to convert the building were of a sufficient nature so as to amount to the building's re-use, this is still contingent on the building enhancing its immediate setting. I saw that nearby buildings were in the process of conversion to dwelling. As the assessment of the re-use of each building is dependent upon its specific condition and the nature of the proposals, I do not accept that those works establish a principle for the conversion of the existing building. Nor that that should determine that subsequent proposals would enhance the immediate setting.
13. The appeal building is of a very limited scale and, from the evidence before me and my observations of the site and its surroundings, is not directly comparable to those around it in terms of its scale. Nor is it comparable to those buildings in terms of its inter-relationship with them. Whereas those buildings form a physically close, visually related and identifiable group, the appeal building stands apart from them and is a small, relatively discrete structure in an open field. Such structures are not uncommon in rural areas and it sits unobtrusively within the open field and surrounding countryside.
14. I accept that the site is not widely seen, despite its relative proximity to the bridleway and right of way which runs along May Walk. I also accept that the limited detail accompanying the proposal indicates that the timber cladding would reflect that of the existing building and the local vernacular of dark-stained timber clad rural buildings. However, the animal shelter stands as something of an outlier in the context of the existing group of buildings, and the development of a further residential dwelling in this location, along with its inevitable domestic paraphernalia, would do little to alter this perception. Moreover, its conversion to a dwelling would extend the residential pattern of development beyond the existing defined group into the paddock in a manner that is not currently the case and which would erode the rural countryside character of the land around the appeal building.
15. For these reasons, even if I were to conclude that the proposal amounted to the reuse of the existing building, the proposal would undermine the existing shelter's relationship with the open paddock and countryside around it. It would extend residential use beyond an existing, well-defined and visually related group and, with the further inevitable presence of domestic paraphernalia, would not enhance its immediate setting.

Living conditions

16. The appellant submitted then withdrew amended floor layout plans and elevations during the appeal process. Although the Council accepted that the amended plans would address the second reason for refusal as the appellant subsequently withdrew them they do not formally form part of the proposal and I have not considered their content any further.
17. There are discrepancies between the indicated dimensions and scale bar on the submitted 'proposed details' plan, and further differences between these and the building's internal floor area as stated on the application form and in the structural report. Indeed, the latter suggests a shortfall in the amount of internal accommodation proposed when set against the nationally described space standard for a 1-bed/2-person dwelling. I agree with the Council that it has not been adequately demonstrated that the proposal would provide an appropriate quantity of living accommodation commensurate with the level of potential occupation.
18. ULP policy GEN2 requires that, amongst other things, proposals provide an environment which meets the reasonable needs of all potential users. It has not

been adequately demonstrated that the proposed dwelling would provide an acceptable level internal living accommodation, having regard to the standards set out in the '*Technical housing standards – nationally described space standard*'. It has not therefore been demonstrated that the proposal would meet the reasonably needs of potential users, contrary to ULP policy GEN2, the Framework's aims of securing high quality design and a high standard of amenity for future users.

Planning Balance

19. The Council do not have a 5-year housing land supply, the current supply falling considerably short of the 5-year mark. Together with the degree of inconsistency between ULP policies S7 and H6 and the Framework, the policies most important for the determination of this application are out of date. The Framework's paragraph 11 presumption in favour of sustainable development in relation to decision-taking states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit, when assessed against the Framework as a whole.
20. The contribution to housing supply that the proposal would provide would be limited given the small-scale nature of the proposal. Even though the accepted shortfall in housing supply is substantial and the delivery of the proposed dwelling would be immediately deliverable and is not in an isolated location, that it is only for a single dwelling means that I can only attach limited weight in support to these factors. So too, with respect to the contribution that the proposal would make in economic and social terms both during construction and once occupied.
21. There are therefore factors which weigh in support of the proposal and can therefore be considered to be benefits of the proposal. Subject to appropriately worded conditions, the Council do not object to the proposal in terms of highways matters, parking provision, biodiversity or wider amenity issues⁴. The latter are neutral factors and neither weigh in favour of, nor against, the proposal. However, for the reasons I have set out above, it has not been adequately demonstrated that the proposal would amount to the reuse of the existing building and would thus be tantamount to construction of a new dwelling. Even if it had been, the proposal would fail to enhance its immediate setting and would be in conflict with the Framework and ULP policy H6, albeit that I give the latter only modest weight. Nevertheless, the adverse impacts of the proposal in the terms set out above would clearly and demonstrably outweigh the benefits.

Conclusion

22. For the reasons set out, and having considered all other matters, I conclude that the proposal should be dismissed.

Graeme Robbie

INSPECTOR

⁴ Air quality, noise disturbance or contaminated land