
Appeal Decision

Site visit made on 14 October 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/T2350/W/20/3256978

Bay Gate Farm, Barret Hill Brow, Bolton by Bowland BB7 4PQ

- 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 Tim Allsop against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0288, dated 26 March 2020, was refused by notice dated 2 June 2020.
 - The development proposed is described as the conversion of an existing agricultural building to provide 1no. dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the existing building is capable of conversion to residential use and worthy of retention, and 2) the effect of the proposed development on the character and appearance of the area with particular regard to the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

Capable of conversion

3. Policy DMH3 of the Ribble Valley Core Strategy (CS) (2014) considers dwellings in the open countryside and the AONB. The policy outlines that residential development will be limited to, amongst other things, the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.
4. Policy DMH4 of the CS considers the conversion of barns and other buildings to dwellings. It outlines that the building to be converted must, amongst other things, be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration, which would adversely affect the character or appearance of the building; and that the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting.

5. The appeal site is located in the Forest of Bowland AONB where the primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area. The appeal property is an existing steel-framed agricultural building. The main front elevation is predominantly open with the remaining elevations comprising blockwork and corrugated metal cladding. It has a corrugated cement sheet roof. The proposal involves the removal of the existing cladding and its replacement with new stone walls, glazing, and timber cladding. The existing structural steel frame would remain in place. The existing roof would be replaced with a new slate roof. The works would require a new concrete floor slab with insulation. The main feature of the existing building that is found to be structurally sound, and retained, is the existing steel frame and trusses.
6. The Courts have held that in instances such as this it is a matter of judgment, for the decision maker, to establish in each case where the line is drawn, by considering the type and extent of the works proposed in terms of whether a proposal amounts to a conversion rather than a re-build.
7. The structural survey finds that loading should not be added to the existing structure and conversion gives the opportunity to remove loading from the existing frame and place it on new structural walls. It also concludes that although the existing building, and the elements to be retained are structurally sound, the new internal structure should be independent of the existing steel frame and be designed to have little or no effect on the existing structure.
8. To my mind, these factors when combined with the significant level of works that are proposed, including the provision of new walls, glazing, roof, concrete floor and first floor, would amount to substantial re-building of the pre-existing structure or, in effect, the creation of a new building. The extent of the works needed means that the proposal would not be a conversion. The retention of the skeletal steel frame, that is unable to bear any additional loading, which should actually be placed on new structural walls, is so minimalist that the works needed to alter the use to a dwelling are of such magnitude that in practical reality what is being undertaken is a rebuild and exceeds a conversion. The development is in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.
9. Taken as a whole, I consider the existing building would not be able to function as a dwelling. The works required would be significant and result in the substantial re-building of the pre-existing structure and cumulatively, the extent of the works required would extend beyond the building operations reasonably necessary to convert the building to residential use.
10. Within the AONB buildings and materials that are to be converted to dwellings must be worthy of retention because of their intrinsic interest or potential or their contribution to their setting. It is not in dispute that the existing building has no architectural merit and given its overall appearance and haphazard use of materials I agree that it is of little merit. It is therefore not worthy of retention because of its intrinsic interest or potential or its contribution to its setting. It would therefore fail to meet one of the requirements of policy DMH4.
11. The appellant contends that the building is of detriment to the architectural merit of the area, and that the proposed development would achieve the benefit of removing the harmful elements and replacing with a development that would enhance the area.

12. Although I find that the building is of little merit for the purposes of Policy DMH4, it is a fairly typical, mundane agricultural building and I do not find that it to be of such harm to the appearance of the area to justify the proposal that I have identified amounts to a new building. Even if I were to agree that this were the case, the same benefit could be realised by demolishing the building. I therefore give this perceived benefit little weight.
13. I therefore conclude that the existing building is not capable of conversion to residential use without significant works being undertaken that would amount to the creation of a new building, nor is it worthy of retention. The proposal would be contrary to Policies DMH3 and DMH4 of the CS that require, amongst other things, that residential development in the AONB is limited to the appropriate conversion of buildings that are structurally sound and capable of conversion without the need for complete or substantial reconstruction, and that the building is worthy of retention.

Character and appearance

14. The appeal property sits on an elevated position. The existing building and the proposed dwelling would be most prominent from the road when passing the site entrance and also from the rear, although views of the latter are somewhat screened by existing mature trees.
15. I find that, notwithstanding the proposed use, the elevational treatment in terms of the use of traditional and natural materials, albeit in a modern design would not harm the character and appearance of the area. That said, the development must be considered as a whole, where the proposed use is a fundamental factor in considering the impact on the character and appearance of the area and the AONB.
16. The creation of a residential use with associated curtilage inevitably brings domestic outdoor paraphernalia such as; parked cars, bins and bin storage, washing lines, play equipment, garden furniture, planting containers and a garden landscape. This would significantly change the character and appearance of the site by having an urbanising effect upon it. The proposal amounting to new development in the open countryside and the AONB would not maintain the intrinsic character and beauty of the area.
17. I acknowledge that the existing use inevitably brings a degree of agricultural related paraphernalia, some of which was evident on my site visit. Such equipment is however characteristic and unavoidable in rural settings such as this and I therefore draw little comparison between that and the nature of the appeal proposal.
18. The appellant has referred to other domestic conversions in the vicinity of the site. I do not have full details of these other examples, and do not consider that they are reason to allow further harm to the AONB and the countryside setting. I therefore give them limited weight.
19. Although I find that, in isolation, the design of the development would not harm the character and appearance of the AONB, I find that when taken as a whole, the development, comprising a residential property and associated curtilage, would significantly harm the special character and appearance of the AONB. It would be contrary to Policies DMG1, DMH3 and DMH4, and Key Statement EN2 of the CS which require, amongst other things, that

development in the AONB should contribute to the conservation of the natural beauty of the area, having no materially damaging effect on the landscape qualities of the area and be consistent with the conservation of the natural beauty of the area.

20. The development would also fail to conserve and enhance landscape and scenic beauty within an AONB as required by the National Planning Policy Framework (the Framework).

Other Matters

21. The appellant considers that were it not for being located in the AONB, the proposal would constitute permitted development. Although I have had regard to the factors that are relevant to such proposals under the prior approval procedure, the ultimate fact that the site is within an AONB where such permitted development rights do not apply is paramount. The development plan has primacy in cases such as this, and given that the permitted development does not represent a fallback by any means, I give this argument little weight.

Conclusion

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

A M Nilsson

INSPECTOR