



Appeal Decision

Site visit made on 2 December 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2020

Appeal Ref: APP/J3720/W/20/3256195

The Meadows, Buckley Green Lane, Buckley Green, Beaudesert B95 5QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Marsden against Stratford-on-Avon District Council.
 - The application Ref 20/00279/FUL, is dated 30 January 2020.
 - The development proposed is conversion of a redundant stables building into a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a redundant stables building into a new dwelling at The Meadows, Buckley Green Lane, Buckley Green, Beaudesert B95 5QF in accordance with the terms of the application, Ref 20/00279/FUL, dated 30 January 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. No decision notice was issued by the Council in response to the planning application. However, in light of the appeal submissions, the main issue is whether the proposal would be suitable in the countryside having regard to development plan policies.

Reasons

3. Policy AS.10 of the Stratford-on-Avon District Core Strategy 2016 (CS) allows a disused building in open countryside to be converted to a dwelling provided it is of architectural merit and the conversion is appropriate to its character and setting. Also, it should be shown that residential would be the only viable use.
4. On my visit, I saw some remnant straw on the floor but there was no substantive evidence of the stables being recently used by animals. Also, no household items were stored in the building. My visit can only provide a snapshot in time but from my observations I am satisfied the building subject of this appeal is disused.
5. There are no other agricultural buildings on the appeal property and so the stables do not form part of a traditional farmyard. However, the building has a largely unaltered traditional form with brick and tile materials and details such as stable and pig-sty door openings. The proposed works would largely retain these features of architectural and historic merit. Also, a planning condition could be imposed to ensure new walls and fences are designed and positioned

to maintain a visual relationship between the stables and the main house. Therefore, the conversion works would be appropriate to the character of the building.

6. There is limited information on the size and appearance of the replacement garage. However, the main parties have made no adverse comments to a suggested condition that would require the approval of such details prior to the occupation of the dwelling. As such, this element of the scheme would not harm the setting of the stables or character of the site.
7. The justification to CS policy AS.10 states that evidence should be produced that shows the building has been marketed for a business use. The appellant has advertised the stables as a potential office but received no response. It is unclear how long the property was marketed but CS policy AS.10 and the Council's Planning Application Local List do not specify a minimum marketing period for this type of proposal. Given the lack of interest as an office as well as the building's size, nature, rural location and proximity to the house, I consider that residential is the only viable use.
8. For the above reasons, I conclude the scheme would accord with CS policy AS.10 which sets out criteria for when the residential conversion of buildings would be acceptable in principle in the open countryside. In arriving at this view, I have found the development would reflect the character and appearance of the site and area and so in this regard it would also accord with CS policy CS.9.
9. CS policies CS.12 and CS.15 are included in the Council's putative refusal reasons. However, these are not otherwise referred to in the submissions and no copies of the policies have been provided despite being requested. As such, I find no conflict with these policies.

Other Matters

10. The re-use of the stables building would not be inappropriate development in the Green Belt as defined in the National Planning Policy Framework (the Framework). Moreover, the aforementioned condition would ensure the new garage is not materially larger than the one to be replaced and so this element would not be inappropriate development. Consequently, I conclude the overall scheme would accord with CS policy CS10 which sets out when proposals would be acceptable in the Green Belt.
11. Surveys have identified a day bat roost in the stables and so the proposal would risk harm to a European Protected Species. However, proposed mitigation measures would maintain the favourable conservation status of bats. The development would serve an overriding public interest by providing an additional dwelling and safeguarding a building of architectural merit. Also, there is no satisfactory alternative to the proposal to achieve the benefits of the scheme. As such, the development would meet the derogation tests set out in the Conservation of Habitats and Species Regulations 2017 and I find no reason for Natural England to withhold the required bat licence.

Conditions

12. I have considered the planning conditions forwarded by the Council and suggested by others having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for reasons of precision.

13. A condition setting out the approved plans is required for reasons of certainty and to ensure the development is carried out in accordance with the drawings. To protect bats, a condition is imposed that requires development to be carried out in accordance with the method statement set out in the appellant's ecological assessment. To ensure a satisfactory appearance, I attach a condition requiring the submission and approval of landscaping details.
14. For the reasons set out above, I impose a condition requiring the submission and approval of the details of the replacement garage. A condition requiring the provision of refuse bins is included to ensure the occupiers of the dwelling are adequately served in this regard. A vehicle charging connection point is needed to promote the use of environment friendly travel to and from the development. To minimise the use of water, a condition requiring provision of water butts is imposed.
15. The submitted plans include sufficient information on external materials to be used and most of the building would remain as existing. As such, there is no need for the suggested condition relating to materials.

Conclusion

16. For the above reasons, I conclude the appeal should succeed.

Jonathan Edwards

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: ES210-02 and ES210-04.
- 3) The development shall be carried out in accordance with the method statement described in the Ecological Assessment for Bats by AMPA Ecology and dated August 2019. The referred to cavity and roof bat boxes shall be installed prior to the first occupation of the dwelling hereby approved and shall thereafter be retained.
- 4) Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
 - a) planting plans,
 - b) a schedule of plants noting species, plant sizes and proposed numbers/densities,
 - c) hard surfacing materials - details of manufacturer, type and design, colour and bonding pattern where appropriate, and
 - d) full details of boundary treatments (with elevation drawings) including wall, fence and gate designs.

The approved scheme shall be completed three months from the date of the first occupation of the development hereby permitted.

If within a period of five years from the date of the provision of soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, the planting shall be replaced as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 5) Prior to the occupation of the development hereby permitted, drawings that show the elevations and external material details of how the existing garage is to be rebuilt shall be submitted to and approved in writing by the local planning authority. The garage shall be rebuilt in accordance with the approved drawings.
- 6) Prior to the occupation of the development hereby permitted, 3 bins for the purposes of refuse, recycling and green waste shall be provided to serve the occupiers of the approved dwelling.
- 7) Prior to the occupation of the development hereby permitted, a vehicle charging connection point at a minimum of 16 amps shall be provided on the site to serve the occupiers of the approved dwelling. The connection point shall thereafter be retained in perpetuity.
- 8) Prior to the occupation of the development hereby permitted, a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to each downpipe of the dwelling shall be provided. The water butts shall thereafter be retained in perpetuity.