



Appeal Decision

Site visit made on 14 September 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal Ref: APP/K0425/W/20/3253882

Smokey Row, Grove Lane, Great Kimble, Aylesbury HP17 9TR

- 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 Bill Brown against the decision of Buckinghamshire Council.
 - The application Ref 20/05462/FUL, dated 20 February 2020, was refused by notice dated 12 May 2020.
 - The development proposed is retrospective planning application for barn as requested by Sean Wilkinson via email correspondence on 31/01/2020 to client.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached barn for storage and conversion of roof space above existing garage into an annexe (retrospective). at Smokey Row, Grove Lane, Great Kimble, Aylesbury HP17 9TR in accordance with the terms of the application, Ref 20/05462/FUL, dated 20 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans listed as follows:
 - (i) Location and Site Plans Ref: E100 A,
 - (ii) Proposed Plans and Elevations (Barn) Ref: E101,
 - (iii) Annexe - Proposed plans and elevations Ref: E102.
 - 2) The barn shall be used for the storage of vintage agricultural machinery only and, should the barn cease to be required for that purpose, the barn will be demolished, removed from the site and, the land restored for agricultural/orchard use.
 - 3) The roof space annexe in the garage and storage outbuilding will only be used in connection with and ancillary to the occupation of the main dwelling and, shall not at any time be severed and occupied as an independent living unit.

Preliminary Matters

2. The description of development on the decision notice and appeal form is materially different to that on the planning application because it adds conversion of the roof space above an existing garage and store. Although, the red line boundary on the planning application refers only to the land occupied by the barn, the appellant has accepted the revised description and submitted a plan showing the conversion of the roof space. In a comment on the appeal the appellant also indicated that he accepts that the roof space conversion will

always remain a part of the main dwelling. Accordingly, I have determined the appeal on the basis of the revised description of development as follows, erection of detached barn for storage and conversion of roof space above existing garage into an annexe (retrospective).

3. The Council have indicated that it does not object to conversion of the roof space subject to a non-severance condition. This would reaffirm the existing planning permission for the garage and storage building (Ref:10/06921/FUL) which already possesses a condition precluding severance and occupation as an independent unit. The requirement for such a condition has also been highlighted in consultation responses. I return to this matter below. As a consequence, the focus of my decision relates to the retrospective planning application for the barn.
4. The appellant states he had, mistakenly, constructed the barn on the basis it was permitted development so that the submission of a planning application was not required. The Council dispute this explanation and, instead, state they consider the appellant was seeking to circumvent the system. Notwithstanding these opposing positions, I have determined the appeal on the merits of the case.
5. The adopted development plan is the Adopted Wycombe District Local Plan (August 2019) (LP). However, on 1 April 2020, Wycombe District Council was replaced by Buckinghamshire Council. References to the Council contained in this document refer to Buckinghamshire Council from 01 April 2020.
6. The Great and Little Kimble-cum-March Neighbourhood Plan (NP) has reached an advanced stage although Covid-19 has delayed the referendum until May 2021.

Main Issue

7. The main issue concerns the effect on the character and appearance of the area having regard to whether, or not, it is a suitable location for the proposed storage barn.

Reasons

8. The planning permission (Ref:10/06921/FUL) for the original dwelling at Smokey Row was accompanied by a legal agreement that distinguished the extent of land uses. The appeal scheme is positioned outside the area of land defined for residential use. It is within an adjoining parcel of land identified in the legal agreement for an orchard or agricultural use and that it should not be developed for any other use without planning permission. Accordingly, the appeal site is located within the open countryside. The emerging NP confirms that the orchard area is located beyond the settlement boundary as identified by that plan.
9. There is no dispute between the parties that the need for the building for the storage of vintage agricultural machinery stems from the appellant's hobby. The machinery involved is valuable and requires secure storage as well as space to carry out maintenance. The Council state that a hobby-based use amounts to an extension, ancillary to the residential use which is neither permitted under the previous legal agreement nor is it an appropriate development in the countryside. If the appellant did not live at the adjacent dwelling, then the need for the barn would not arise. Thereby, since the Council

state the use of the barn for a hobby is not an acceptable use in principle, its impact on the character and appearance of the countryside must be harmful.

10. While the vehicles stored in the barn are not currently used for agricultural production, they relate to agricultural heritage and are used for display at outdoor events and leisure shows that take place in the countryside. Events of this nature form an integral part of the rural economy. While I accept that the need for this particular barn, in this location, arises from the appellant's place of residence, it must also be the case that if the equipment was owned by another party, that would be likely to give rise to similar storage needs elsewhere, probably located in the countryside. Therefore, I find that the use of the barn is legitimately countryside-related and, whether the activity is a hobby, or not, the need reasonably arises where the owner of the vintage equipment is based and operates from. As such, I do not agree the barn should be regarded either as ancillary to the residential use or as a residential extension into the countryside. However, if the appellant were to give up his hobby, or move elsewhere, then the specified need for this building would cease. This is a matter I return to below.
11. The appeal scheme is located adjacent to an existing, larger barn which serves the agricultural needs of the appellant's land. While the new barn leads to a grouping of 2 agricultural barns, the co-location helps to reduce the additional impact on the wider character and appearance of the area. Similar design and green colouring of both buildings helps reduce the impact. Planting between the new barn and boundary already helps soften its visual impact and, over time, these effects should further improve the screening effect. An extant planning permission for 6 dwellings on the adjacent site to the east known as 'The Orchards' was highlighted in consultation responses. This remained unimplemented at the time of my site visit. Plot 6 of that proposed development would be closest to the appeal site where, the side elevation, which would not include windows to habitable rooms, would face the common boundary. Since the existing barn, which is higher than the appeal scheme, already occupies part of the common boundary the additional effects from the appeal scheme would be limited and acceptable.
12. Accordingly, I conclude that the location of the barn within the countryside is acceptable and its co-location with the existing barn and soft planting minimises harmful impact on the character and appearance of the area. As such, I find that the barn would not conflict with LP Policies DM32 (Landscape Character and Settlement Patterns), DM35 (Placemaking and Design Quality) and DM44 (Development in the Countryside Outside of the Green Belt) of the Adopted Wycombe District Local Plan (August 2019). These policies require development to respect the settlement pattern and be of an appropriate design. The barn is consistent with Policy DM44 1b) which embraces development including agriculture, outdoor sports and recreation in the countryside outside of the Green Belt.

Other matter

13. Non-compliance with the S106 agreement relating to Planning Permission Ref:10/06921/FUL has been mentioned in the consultation response. However, it appears to me that these comments are not directly related to the determination of this appeal.

Conditions

14. I noted under 'Preliminary Matters' that in respect of the conversion of the roof space above the existing garage and storage building, the applicant had accepted that this element of the development should be considered as part of this appeal. However, in his final comments, it is stated that conversion of the roof space amounts to permitted development thereby questioning the Council's suggestion regarding the suitability of attaching a non-severance condition. Given that the appellant states in his statement of case that he invites me to agree the conversion is an acceptable development, I consider that the Council's suggestion, bearing in-mind the condition attached to the extant planning permission, is reasonable.
15. Both parties have suggested other potential conditions that I have carefully considered in relation to the Framework and the PPG. The conditions I have imposed are reasonable and necessary to make the approved development acceptable. I have not included a condition on time limits since this is not necessary for a retrospective scheme. I have also not included the Council's suggestion for a condition limiting permitted development rights as this would appear to be superfluous. The appellant was consulted on and agreed to the proposed conditions.
16. Accordingly, Condition 1 defines the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Condition 2 is a variation of that suggested by both main parties. This limits the use of the barn to the specified purpose only, i.e. the storage of vintage agricultural equipment and, in the event the use ceases, then the building shall be removed. This condition ensures that the barn cannot be used for any other purpose in the future. Condition 3 covers the roof space conversion specifying that the annexe shall only be used as ancillary living accommodation to the main dwelling and not as an independent living unit. This will safeguard the residential amenities of the area and prevent the establishment of an unrelated and/or independent unit on the site.

Conclusions

17. For the reasons stated above and having taken all other factors into account, the appeal is allowed, subject to conditions.

David Carter

INSPECTOR